

Special Chiefs Assembly

November 26-27-28, 2013

Fort William First Nation



Resolutions

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CHIEFS OF ONTARIO

ONTARIO SPECIAL CHIEFS ASSEMBLY
November 26-27-28, 2013
Fort William First Nation

RESOLUTION 13/38

SUBJECT: ACCEPTANCE OF SPEAKERS

MOVER: Chief Thomas Bressette, Chippewas of Kettle & Stony Point

SECONDER: Chief James R. Marsden, Alderville First Nation

DECISION: Carried

BE IT RESOLVED THAT we, the Chiefs in Assembly:

1. Accept Roseanne Archibald, Brent Stonefish and Doris Slipperjack (Youth Representative) as Speakers for the Special Chiefs Assembly held at Fort William First Nation, November 26-27-28, 2013.

Certified Copy of a Resolution dated November 26, 2013.



Stan Beardy, Ontario Regional Chief

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CHIEFS OF ONTARIO

ONTARIO SPECIAL CHIEFS ASSEMBLY
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Fort William First Nation

RESOLUTION 13/39

SUBJECT: ACCEPTANCE OF RULES OF PROCEDURE
MOVER: Chief Greg Cowie, Hiawatha First Nation
SECONDER: Chief William Diabo, Magnetawan First Nation
DECISION: Carried

BE IT RESOLVED THAT we, the Chiefs in Assembly:

1. Accept the Rules of Procedure for the Special Chiefs Assembly held at Fort William First Nation, November 26-27-28, 2013.

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CHIEFS OF ONTARIO

ONTARIO SPECIAL CHIEFS ASSEMBLY
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Fort William First Nation

RESOLUTION 13/40

SUBJECT: ACCEPTANCE OF DRAFT AGENDA

MOVER: Chief Thomas Bressette, Chippewas of Kettle & Stony Point

SECONDER: Art Jacko, Proxy, Whitefish River First Nation

DECISION: Carried

BE IT RESOLVED THAT we, the Chiefs in Assembly:

1. Accept the Draft Agenda for the Special Chiefs Assembly held at Fort William First Nation, November 26-27-28, 2013.

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Stan Beardy, Ontario Regional Chief



CHIEFS OF ONTARIO

ONTARIO SPECIAL CHIEFS ASSEMBLY
November 26-27-28, 2013
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RESOLUTION 13/41

SUBJECT: SUPPORT FOR FIRST NATION WOMEN'S CAUCUS INITIATIVES

MOVER: Chief Joel Abram, Oneida Nation of the Thames

SECONDER: Chief Randall Kahgee, Chippewas of Saugeen

DECISION: Carried

WHEREAS:

1. Political Confederacy Motion 13/17 mandated the First Nations Women's Caucus (FNWC) to identify priorities and support for First Nations approaches to ending violence against First Nation women and girls;
2. Resolution 13/04, adopted unanimously by the Chiefs in Assembly, identified that a *Declaration* signed by all First Nation leadership, entitled the *Declaration by First Nations Political Leadership to End Violence and Abuse in our Communities and Against our Peoples*, is an essential step in the work we need to do together;
3. The FNWC has identified research, education and awareness as immediate priorities for assisting First Nation communities, women's councils and organizations in the implementation of the *Declaration*;
4. FNWC support anti-violence initiatives proposed and delivered by First Nation communities, women's councils and organizations.

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

1. Continue to support the FNWC and the work undertaken so far in the implementation of the *Declaration*.
2. Support the development of research, education and awareness tools as immediate priorities for assisting First Nation communities, women's councils and organizations.
3. Call upon the federal and provincial governments to provide necessary funding to support initiatives to end violence against First Nation women and girls, and to work with First Nation communities, women's councils and organizations.

4. Direct the FNWC to report back to Chiefs in Assembly through an annual report on ending violence against First Nation women and girls.

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Stan Beardy, Ontario Regional Chief



CHIEFS OF ONTARIO

ONTARIO SPECIAL CHIEFS ASSEMBLY
November 26-27-28, 2013
Fort William First Nation

RESOLUTION 13/42

SUBJECT: IPPERWASH INQUIRY RECOMMENDATIONS IMPLEMENTATION

MOVER: Chief Thomas Bressette, Chippewas of Kettle & Stony Point

SECONDER: Chief Randall Kahgee, Chippewas of Saugeen

DECISION: Carried

WHEREAS:

1. Chiefs in Assembly Resolution 08/17, entitled “ Ipperwash Inquiry Priorities and Action Committee”, created a Task Force to deal with the Ipperwash Inquiry;
2. The result of Resolution 08/17 was the formation of the First Nations Ipperwash Task Force (Task Force) and the Ipperwash Inquiry Priorities and Action Committee (IIPAC), which is a joint process with the Political Confederacy, representing First Nations, and the government of Ontario;
3. The community of Kettle and Stony Point still aches from the 1995 shooting death of Dudley George, and is still suffering from unresolved issues;
4. The Chippewas of Kettle & Stony Point First Nation justice and policing issues resulting from the death of Dudley George must remain a collective priority, to ensure that other First Nations will not suffer similar tragedies;
5. First Nation rights and interests must continue to be protected throughout the implementation process of the Ipperwash Inquiry recommendations;

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

1. Direct the Ontario Regional Chief and the Political Confederacy to approach the Prime Minister and Premier, and demand the re-engagement of the IIPAC process with the proper mandates, authorities and financial resources.
2. Direct that the Chiefs of Ontario (COO) extend the Task Force as a priority, to continue to deal with the police and justice issues that plague the Chippewas of Kettle & Stony Point First Nation and First Nations throughout Ontario.

3. Direct COO to ensure that financial resources for the IIPAC and Task Force processes are a priority, so that the Ipperwash Inquiry recommendations will be implemented.
4. Direct the Task Force to report annually to the Chiefs in Assembly.

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Stan Beardy, Ontario Regional Chief



CHIEFS OF ONTARIO

ONTARIO SPECIAL CHIEFS ASSEMBLY
November 26-27-28, 2013
Fort William First Nation

RESOLUTION 13/43

SUBJECT: FIRST NATION EDUCATION ACT (FNEA)
MOVER: Chief Joe Miskokomon, Chippewas of the Thames First Nation
SECONDER: Chief Norm Hardisty Jr., Moose Cree First Nation
DECISION: Carried

WHEREAS:

1. On October 22, 2013, the government of Canada, as represented by Indian and Northern Affairs Canada (INAC), introduced a proposal for a bill on First Nations education (the First Nations Education Act or FNEA), entitled *Working Together for First Nation Students*, for consideration by First Nations and unilateral implementation by September of 2014;
2. First Nations leadership in Ontario has consistently opposed and rejected federal education legislation since the Ontario First Nations position was put forward at the October 2012 AFN Special Chiefs Assembly on Education;
3. Ontario First Nation Chiefs have opposed and rejected federal education legislation and the associated “consultation” process on the basis that:
 - The federal legislative process fails to recognize First Nations’ priorities and jurisdiction;
 - The path forward is not legislation, but implementation of First Nation control of First Nation education through negotiation of nation-to-nation jurisdictional agreements;
 - The first step in improving the First Nations education “system” is the fulfillment of the federal government’s duty to uphold the honour of the Crown by providing adequate and sustainable education funding in support of First Nations lifelong learning;
 - The education “consultation” process conducted by the federal government related to the development of the FNEA does not meet the constitutional standard for consultation and accommodation or the international standard of Free, Prior and Informed Consent;

- The proposed FNEA endangers First Nation rights, including the Treaty right to education;
4. The draft FNEA gives absolute authority and control of First Nation education to the Minister of INAC without corresponding liability, and delegates limited administrative authority to First Nations governments with full liability;
 5. The government of Canada continues to marginalize First Nations by creating and sustaining an underfunded, under resourced and inequitable education system;
 6. The draft FNEA contradicts First Nation Treaty and inherent rights on education, governance and equality;
 7. First Nations in Ontario have consistently stated that First Nations have the knowledge and expertise to develop their own systems, laws, policies and mandates on First Nation education, and that the federal government has a fiduciary and Treaty obligation to support a process that is First Nation led and respects First Nation control over First Nation education.
 8. The unilateral imposition of the FNEA is inconsistent with the Prime Minister's commitment to implement Treaties on a Nation by Nation and Treaty by Treaty basis.

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

1. Agree that the proposed FNEA perpetuates a paternalistic and colonial approach whereby First Nations are accountable to the Minister of INAC but liable for any shortcomings in a system that is created, controlled and regulated by the federal and provincial governments, with no mechanism for equitable resources to meet imposed standards.
2. Agree that Canada is constitutionally obligated to uphold the Honour of the Crown and meet its fiduciary and Treaty obligations with respect to First Nation education by supporting a First Nation process on the development of First Nation systems, policies and laws that are created by First Nations for First Nations.
3. Agree to assert our inherent rights, coming from the Creator, and treaty rights which are supported by *Article 14* of the *United Nations Declaration on the Rights of Indigenous Peoples*, which provides that: "Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning."

4. Direct the Political Confederacy to ensure that Ontario First Nation opposition to the FNEA is clearly articulated nationally and internationally, including the option of holding Canada to account for international human rights violations.
5. Finally, reject the proposed FNEA.

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Stan Beardy, Ontario Regional Chief



CHIEFS OF ONTARIO

ONTARIO SPECIAL CHIEFS ASSEMBLY
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RESOLUTION 13/44

SUBJECT: CLARIFICATION REGARDING A DEFAULT PROCESS IN NEW COMBINED CONTRIBUTION AGREEMENTS FOR HEALTH CANADA AND INDIAN AND NORTHERN AFFAIRS CANADA

MOVER: Chief Louise Hillier, Caldwell First Nation

SECONDER: Chief Thomas Bressette, Chippewas of Kettle and Stony Point

DECISION: Carried

WHEREAS:

1. Providing essential services to First Nations peoples remains a top priority for our First Nation governments;
2. In addressing these needs, First Nations have historically maintained individual relationships with Indian and Northern Affairs Canada (INAC) and Health Canada through a variety of unique agreements;
3. INAC and Health Canada have initiated “voluntary” pilot projects on the delivery of new “Combined Contribution Agreements” that amalgamate resourcing and reporting requirements;
4. These Combined Contribution Agreements have the potential to interrupt necessary and essential services and programming;
5. Some First Nation communities have entered into Combined Contribution Agreements and have noted the lack of a clear and consistent default process for late or delinquent departmental reports;
6. First Nations stand to be drastically impacted by Combined Contribution Agreements and have expressed a preference to maintain separate relationships with INAC and Health Canada.

THEREFORE BE IT RESOLVED that we, the Chiefs in Assembly;

1. Reaffirm that both INAC and Health Canada have a fiduciary responsibility to consult, accommodate and seek the consent of First Nations on policy and other proposed changes that affect First Nation rights.
2. Request a public forum with First Nations, INAC and Health Canada to clarify areas of concern, answer inquiries and facilitate a better understanding of the parameters of the new Combined Contribution Agreements.
3. Confirm that First Nation governments and Political Territorial Organizations are prepared to discuss with INAC and Health Canada a clear and consistent default process that will protect present service delivery to First Nation peoples.
4. Mandate the Political Confederacy and the Ontario Regional Chief to arrange a meeting with INAC and Health Canada to begin the planning for the proposed public forum.

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Stan Beardy, Ontario Regional Chief



CHIEFS OF ONTARIO

ONTARIO SPECIAL CHIEFS ASSEMBLY
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RESOLUTION 13/45

SUBJECT: MORATORIUM ON HYDRAULIC FRACTURING (FRACKING)

MOVER: Chief Randall Kahgee, Chippewas of Saugeen

SECONDER: Chief Joe Miskokomon Chippewas of the Thames First Nation

DECISION: Carried

WHEREAS:

1. First Nations are sovereign Nations with inherent laws and traditional responsibilities governing lands and resources;
2. The *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) expressly recognizes that, as Indigenous peoples, First Nations have the right to protect resources and the right to free, prior and informed consent on any activities affecting their traditional territories, lands, waters or resources;
3. Hydraulic Fracturing (i.e., "Fracking") is expanding in scope and there are significant shale reserves within First Nations territories in Ontario;
4. The process of shale gas extraction through hydraulic fracturing can have significant adverse effects on lands and waters, which can have lasting impacts on First Nations Aboriginal rights, treaty rights, interests and ways of life;
5. Consistent with the UNDRIP, First Nations must be informed and have adequate time and the necessary resources and capacity to independently assess and fully understand the risks associated with any hydraulic fracturing activities within their traditional territories;
6. First Nations have not granted their free, prior and informed consent to allow hydraulic fracturing in their traditional territories in Ontario.

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

1. Declare a moratorium on all hydraulic fracturing occurring in Ontario First Nations traditional territories in Ontario and task the Chiefs of Ontario with seeking a parallel commitment from the Government of Ontario until such a time that First Nations are able to fully assess the impacts of hydraulic fracturing, and until First Nations grant their free, prior and informed consent for hydraulic fracturing activities within their territories, without prejudice to those First Nations that wish to develop hydraulic fracturing operations.
2. Call upon the Government of Ontario and the Government of Canada to fully engage and resource First Nations to undertake meaningful, robust and objective studies about the potential impacts of hydraulic fracturing in their territories, including long and short term impacts on the environment.
3. Call upon the Ministry of Environment and the Ministry of Natural Resources to complete and fully disclose their review of legislation, regulations and policies governing hydraulic fracturing practices, as well as any information or recommendations with respect to the effectiveness of the existing regime.

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Stan Beardy, Ontario Regional Chief



CHIEFS OF ONTARIO

ONTARIO SPECIAL CHIEFS ASSEMBLY
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RESOLUTION 13/46

SUBJECT: FIRST NATION POSITION ON OUR INHERENT JURISDICTION OVER EDUCATION

MOVER: Chief Dean Sayers, Ojibways of Batchewana

SECONDER: Chief Joe Hare, M'Chigeeng First Nation

DECISION: Carried

WHEREAS:

1. As Indigenous Peoples, we have always maintained our sovereignty, self-determination and inherent jurisdiction throughout our homelands;
2. As Indigenous Peoples, we exercise our inherent jurisdiction by entering into international Treaties and other agreements;
3. The foundations of our identity flow from our languages, cultures, homelands, traditions, knowledge systems, learning ways and spirituality;
4. As Indigenous Peoples, we are obligated to assert jurisdiction over our life journey by transmitting our life ways to our Peoples, as handed down by our ancestors and all of creation.

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

1. Assert our inherent jurisdiction over education and will exercise it by re-establishing and revitalizing:
 - a. our own education laws;
 - b. our own education standards;
 - c. our own education systems;
 - d. our own curriculum that is culturally and linguistically based;
 - e. our own programs and institutions;
 - f. culturally responsive assessments and evaluations;
 - g. agreements including articulation agreements with other education jurisdictions.
2. Demand that the federal and provincial governments align their respective laws, regulations and policies to conform with the jurisdiction of Indigenous Peoples.

3. Demand that the federal government honour the Treaty requirement for the Crown to provide funding including but not limited to needs-based, equitable, sufficient, and sustainable funding for First Nation education, including research and development funding and annual indexing for population and inflation.

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Stan Beardy, Ontario Regional Chief



CHIEFS OF ONTARIO

ONTARIO SPECIAL CHIEFS ASSEMBLY
November 26-27-28, 2013
Fort William First Nation

RESOLUTION 13/47

**SUBJECT: A STRATEGY TO WORK TOWARDS THE RECONCILIATION OF
OVERREPRESENTATION OF FIRST NATIONS PEOPLES IN THE JUSTICE AND
CORRECTIONAL SYSTEMS**

MOVER: Chief Isadore Day, Serpent River First Nation

SECONDER: Chief Randall Kahgee, Chippewas of Saugeen First Nation

DECISION: Carried

**Opposed: Chief Walter Naveau, Mattagami First Nation
Chief Thomas Bressette, Chippewas of Kettle & Stony Point**

Abstention: Chief Dean Sayers, Ojibways of Batchewana +1 abstainer

WHEREAS:

1. Since time immemorial, as the Indigenous peoples of this land, we have developed and practiced forms of justice and restoring balance within our communities that are consistent with our needs, values and culture;
2. Article 34 of the United Nations *Declaration on the Rights of Indigenous Peoples* states that "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";
3. Indigenous Nations of these lands, known as the First Nations, have been subjected to the Crown's colonial establishment of justice and correctional systems, which maintain an overrepresentation of First Nations Peoples tried in their courts and held in their institutions;
4. Ontario statistics show that First Nations Peoples make up 25 percent of the population in institutions in the northern region of Ontario and 10 percent of the population in the overall provincial institution system, indicating a disproportionate representation of First Nations Peoples;
5. Chiefs in Assembly Resolution 04/31- (*First Nations Peoples and the Criminal Justice System in Ontario*) concluded that there is a need to examine the justice system in Ontario and improve relations, policies and procedures;

6. Chiefs in Assembly Resolution 10/13 (*Establishment of the Justice and Corrections Leadership Roundtable*) called for a justice forum to discuss correctional facilities and services;
7. The Supreme Court of Canada has determined in its seminal *Gladue* and *Ipeelee* decisions that sentencing judges are to consider the unique systemic or background factors which may have played a part in bringing the particular Aboriginal offender before the courts, as well as the types of sentencing procedures and sanctions which may be appropriate in the circumstances for the offender because of his or her particular Aboriginal heritage or connection;
8. The provincial and federal governments have not ensured the implementation of the *Gladue* principles within their policies, procedures, programs, services, and tools, as they had been mandated to do by jurisprudence;
9. Among the many responsibilities carried by First Nations leadership are the safety and well-being of their citizens and, therefore, First Nations leadership play a critical role in the reconciliation of the overrepresentation of First Nations Peoples in the Crown's justice and correctional systems.

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

1. Declare our political responsibility to ensure that our citizens who come into contact with the provincial and federal justice and correctional systems are treated fairly and with utmost consideration based on their Indigeneity, culture, and political, social and economic status.
2. Recognize the importance of reconciling the overrepresentation of First Nations Peoples in the provincial and federal justice and correctional systems through the development of First Nations systems of justice.
3. Advocate for greater access to justice for First Nations people which includes, but is not limited to, access to legal representation, access to First Nations youth justice initiatives, community policing initiatives, diversion and alternative sentencing, elder counselling, and language interpretation services.
4. Advocate for the recognition, respect, and implementation of the *Gladue* principles within the provincial and federal justice and correctional systems, as directed by the Supreme Court of Canada.
5. Direct the Chiefs Committee on Justice to provide direction to the Chiefs of Ontario Justice Sector on the development and implementation of a strategy for reconciling the overrepresentation of First Nations Peoples in the provincial and federal justice and correctional systems.
6. Direct that, among other things, the strategy shall:
 - reconcile the overrepresentation of First Nations Peoples in the provincial and federal justice and correctional systems:

- address the need for data collection and analysis, and engage with provincial and federal governments;
 - advocate for the implementation of *Gladue* principles and examine and identify the lapses in current policies, procedures, programs, services and tools;
 - advocate for the respect and implementation of the jurisprudence of Canadian courts, in relation to First Nations justice sentencing issues;
 - advocate for appropriate levels of funding to ensure *Gladue* principles can be implemented;
7. Designate the issue of overrepresentation of First Nations Peoples in the justice and correctional services as one priority on the agenda at the Justice Forum (as stated in Resolution 10/13).
 8. Task the Chiefs Committee on Justice to report annually to the Chiefs-in-Assembly on the implementation of this Resolution.
 9. Declare that this Resolution, including anything provided for or done pursuant to this Resolution, is without prejudice to the Treaty and Inherent Rights of First Nations in Ontario.
 10. Reject the use of mandatory minimums in sentencing in order to allow judges the discretion to deal with unique First Nations circumstances.

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Stan Beardy, Ontario Regional Chief



CHIEFS OF ONTARIO

ONTARIO SPECIAL CHIEFS ASSEMBLY
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Fort William First Nation

RESOLUTION 13/48

SUBJECT: LOCAL HEALTH SYSTEM INTEGRATION ACT

MOVER: Chief Norm Hardisty Jr., Moose Cree First Nation

SECONDER: Chief Isadore Day, Serpent River First Nation

DECISION: Carried

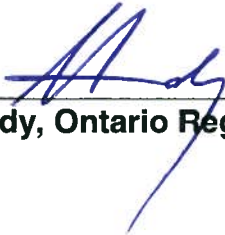
WHEREAS:

1. First Nations in Ontario retain the right to represent the interests of their citizens with respect to health planning and health services;
2. The Local Health System Integration Act (LHSIA) received royal assent in 2006 despite strong opposition by Ontario First Nations seeking exemption from the legislation;
3. Fourteen (14) Local Health Integration Networks (LHINs) were created across the province and mandated to plan, fund and coordinate health care services;
4. The LHSIA states that each LHIN shall engage Aboriginal and First Nations health planning entities when developing plans and setting priorities for the delivery of health services;
5. The provincial government has consistently failed to honour its own published policy statements on the proper relationship with First Nations, as demonstrated through the imposition of unilaterally developed legislation such as the LHSIA;
6. The creation of LHINs has created another level of bureaucracy that fails to engage and address First Nation health needs and priorities;
7. The First Nations in Ontario have continued to raise concerns about the lack of engagement, onerous reporting requirements, and the negative impacts the LHINS system has had on health service delivery to First Nation citizens across the province;
8. First Nations with medical facilities on First Nations land and/or federal lands expect that these facilities will remain on First Nation and/or federal lands in accordance with the Treaties and the fiduciary obligations of the federal government.

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

1. Direct the Ontario Regional Chief to plan for a forum of the First Nation leadership and CEOs of each LHIN to raise First Nations concerns and priorities, as well as to develop a working relationship/partnership.
2. Direct the Ontario Regional Chief and the Ontario Chiefs Committee on Health to convene a meeting with the provincial Minister of Health and Long-Term Care to determine the most effective and expedient way to address the continuing concerns of First Nations with the LHIN system.

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Stan Beardy, Ontario Regional Chief



CHIEFS OF ONTARIO

ONTARIO SPECIAL CHIEFS ASSEMBLY
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RESOLUTION 13/49

**SUBJECT: SUPPORT FOR THE CANADIAN MEDICAL ASSOCIATION'S (CMA)
PRINCIPLES TO GUIDE HEALTH CARE TRANSFORMATION IN CANADA**

MOVER: Chief Thomas Bressette, Chippewas of Kettle and Stony Point

SECONDER: Chief Ted Roque, Wahnapiatae First Nation

DECISION: Carried

WHEREAS:

1. Canada's health care system is in need of transformation to better meet the needs of Canadians, as well as First Nation peoples;
2. The Canadian Medical Association (CMA), the national association of 78,000 physicians in Canada, has a mandate in partnership with the people of Canada to advocate for the highest standards of health and health care;
3. The CMA has an expressed interest in advocacy related to First Nations people and the transformation of the health system in Canada;
4. The CMA has passed a resolution that mandates "a blueprint and timeline for transformational change in the Canadian Health Care to bring about patient focused care";
5. In recognition of the need to continue building on work to improve patient-centered care, the CMA developed *Principles to Guide Health Care Transformation in Canada*, and held town hall sessions throughout Canada;
6. In July of 2013, the CMA publicly released a report based on feedback from those session entitled "What makes us sick", which details the need to address key areas such as income, housing, nutrition and food security, and early childhood development;
7. The CMA report specifically speaks to First Nation health disparities and calls on the federal government to make investments for the improved health status of First Nation people.

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

1. Support the CMA's *Principles to Guide Health Care Transformation in Canada*.
2. Support partnerships between the Assembly of First Nations and the CMA to work collaboratively in addressing the disparities facing First Nation peoples within the current health system, and encourage Ontario First Nation communities to endorse the *Principles to Guide Health Care Transformation in Canada*.
3. Mandate the Ontario Chiefs Committee on Health to actively pursue relationships with the CMA.

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CHIEFS OF ONTARIO

ONTARIO SPECIAL CHIEFS ASSEMBLY
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RESOLUTION 13/50

SUBJECT: HARMONIZED SALES TAX POINT-OF-SALE EXEMPTIONS, AND ESTABLISHMENT OF A TAXATION COMMITTEE

MOVER: Chief Greg Cowie, Hiawatha First Nation

SECONDER: Chief Joel Abram, Oneida Nation of the Thames

DECISION: Carried

WHEREAS:

1. In 2010, First Nations negotiated an agreement with the government of Ontario to continue the First Nations point of sale exemption for the provincial sales tax part of the Harmonized Sales Tax (HST);
2. Ontario did not establish a mechanism to require retailers/vendors to honour the tax exemption at point of sale and, as a result, some retailers have refused to administer the exemption;
3. Some goods and services delivered to a First Nation territory are not being recognized as tax exempt;
4. The *Comprehensive Integrated Tax Coordination Agreement* is set to go through a review period in 2015, in which the HST, as well as its operation and administration, will be examined with the objective of improving the system.

THEREFORE BE IT RESOLVED THAT we, the Chiefs in Assembly:

1. Direct the Political Confederacy to create a Taxation Committee, with a mandate to negotiate in Ontario the administration and improvement of the First Nation tax exemption, and all other forms of taxation that are of concern to First Nations.
2. Direct that, subject to available resources, the Taxation Committee shall include leadership and technical representation from the PTO's and the Independent First Nations.

3. Direct that the improvements sought in the negotiations will include the following:
 - The establishment of a mechanism that requires retailers/vendors to administer the exemption at point of sale; and
 - Extension of the full HST tax exemption to all goods and services purchased by First Nation people.
4. Direct that any new or revised draft taxation arrangement negotiated by the Committee shall be subject to ratification by a future Chiefs Assembly.

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Stan Beardy, Ontario Regional Chief



CHIEFS OF ONTARIO

ONTARIO SPECIAL CHIEFS ASSEMBLY
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RESOLUTION 13/51

SUBJECT: COMPLETE AUDIT REVIEW OF THE INDIAN TRUST ACCOUNT

MOVER: Chief Wayne Pamajewon, Shawanaga First Nation

SECONDER: Chief Isadore Day, Serpent River First Nation

DECISION: Carried

WHEREAS:

1. Canada's historical mismanagement of trust monies has drained First Nation financial resources by forcing First Nations to incur costs for specific claims, court cases and other legal remedies;
2. There are no annual financial reports or other accountability measures for the shared resources owed to First Nations by the federal government in the form of trust monies;
3. There is no joint oversight board between First Nations and Canada with regard to the annual budget and spending allocations related to trust monies;
4. New unilateral Canadian legislation creates adverse health and other risks for First Nations people, which ultimately divert First Nation monies;
5. The rights of First Nations, as sovereign nations, are affirmed and protected by the Canadian Constitution and the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP);
6. Canada has shown a comprehensive disregard for First Nation rights, and there is no mechanism to ensure mutual understanding, implementation, and fairness, particularly in relation to the administration of trust monies.

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

1. Demand that an independent audit be commissioned, at the expense of the federal government, to conduct a complete review of the First Nation Monies held in trust by Canada.

2. Call for a reporting mechanism that ensures annual accountability for First Nation Monies held in trust by Canada.
3. Call for the creation of an oversight board consisting of First Nation representatives mandated to annually review income amounts, expenses, and budgets for First Nation Monies held in trust by Canada.
4. Demand that Canada provide all available information on all costs and expenses it charges against First Nation Monies held in trust.
5. Mandate the Chiefs of Ontario (COO) to explore the option of requesting a domestic or even international criminal investigation of federal mismanagement of First Nation Monies held in trust by Canada.
6. Direct COO to report to the implementation of this Resolution at the next Chiefs Assembly.
7. Direct this resolution to the Auditor General, Canada.

Certified Copy of a Resolution dated November 28, 2013.



Stan Beardy, Ontario Regional Chief

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CHIEFS OF ONTARIO

ONTARIO SPECIAL CHIEFS ASSEMBLY
November 26-27-28, 2013
Fort William First Nation

RESOLUTION 13/52

SUBJECT: OPPOSITION TO PROPOSED BIG THUNDER WIND PARK

MOVER: Chief Allen Towegishig, Long Lake #58 First Nation

SECONDER: Chief Valda Lesperance, Biinjitiwaabik Zaaging Anishinaabek

DECISION: Carried

WHEREAS:

1. Horizon Legacy is proposing a wind farm in the traditional territory of the 1850 Robinson Superior Treaty in an area that is used extensively by the citizens of Fort William First Nation;
2. The proponent and the Crown did not consult with Fort William First Nation or any First Nation signatories of the 1850 Robinson Superior Treaty;
3. The proposed wind farm would cause irreparable harm to the Loch Lomond Watershed and surrounding lands which have always been protected;
4. First Nations from all over Turtle Island consider the waters of Loch Lomond and the surrounding watershed to be sacred, and continue to use the Loch Lomond watershed for traditional purposes;
5. The citizens of Fort William First Nation consider the waters of Loch Lomond to be sacred and intend to use the water as a water source;
6. The proposed wind farm would set a precedent for the creation of wind farms in the Robinson Superior Treaty area without consultation/accommodation or recognition of the right to free, prior and informed consent;

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

1. Support the peoples of Fort William and stand united in opposition to the proposed Big Thunder wind farm.

2. Mandate the Ontario Regional Chief to send a letter to the Province of Ontario and Crown in right of Canada to state that the Crown must discharge the legal duty to consult and accommodate, and follow the principle of free, prior informed consent, because the proposed wind farm is certain to prejudice the Treaty and other rights of the Fort William and other First Nations.

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CHIEFS OF ONTARIO

ONTARIO SPECIAL CHIEFS ASSEMBLY
November 26-27-28, 2013
Fort William First Nation

RESOLUTION 13/53

SUBJECT: RECOGNITION OF FIRST NATIONS' JURISDICTION TO ISSUE THEIR OWN IDENTIFICATION DOCUMENTS

MOVER: Chief Joel Abram, Oneida Nation of the Thames

SECONDER: Chief Dean Sayers, Ojibways of Batchewana

DECISION: Carried

WHEREAS:

1. The Chiefs in Assembly affirm their sovereignty, founded in the responsibilities provided to their respective Nations by the Creator;
2. Indigenous Nations' self-determination pre-existed contact with colonial governments and entities;
3. The homelands of our Nations and historic confederacies are now subject to controlled border-crossings imposed by Canada and the United States;
4. Canada's Department of Indian and Northern Affairs Canada (INAC) continues to fail in its implementation of the Secure Certification of Indian Status initiative, while Canadian and American border guards pressure First Nation travellers to obtain either a blood quantum letter or an Indian Status card;
5. The American Department of Homeland Security is willing to engage with First Nations to develop their own identification documents that are compliant with the Western Hemisphere Travel Initiative;
6. Canada has consistently interfered with, or altogether halted, First Nation efforts to implement their own identification documents that may be used to cross the Canada-United States border;
7. The Indian Act's genocidal provisions regarding an individual's qualification for Indian Status, as well as the documentation processes for obtaining Indian Status, have fallen short of our expectations as North American Indigenous peoples.

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

1. Call on Canada to immediately cease its harassment of First Nation efforts to create their own identification documents based on independent Indigenous jurisdiction.
2. Direct the Ontario Regional Chief to send a letter to the Prime Minister and appropriate Ministers outlining the Ontario First Nation position on jurisdiction to issue identification documents.

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CHIEFS OF ONTARIO

ONTARIO SPECIAL CHIEFS ASSEMBLY
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Fort William First Nation

RESOLUTION 13/54

SUBJECT: UNIFICATION OF FIRST NATIONS IN ONTARIO

MOVER: Chief Wayne Pamajewon, Shawanaga First Nation

SECONDER: Chief Eli Mandamin, Iskatwizaagegan No. 39 Independent First Nation

DECISION: Carried

WHEREAS

1. The National Indian Brotherhood was originally designed to bring the First Nations leadership together to develop a unified approach to fight the impacts of the federal government's White Paper policy on First Nations communities;
2. Contrary to the honour of the Crown, the federal government continues to devolve fiduciary responsibility and impose legislative suites such as:
 - The Matrimonial Real Property Act;
 - The First Nations Education Act Proposal
 - The First Nations Financial Transparency Act;
3. The Crown government creates policy at arms-length from First Nations and does not inadequately addresses the needs of our peoples;
4. Recent funding cuts from the federal government threaten the basic capacity of political territorial organizations, tribal councils and First Nations to protect the land, population, and the cuts will further challenge the ability of communities to meet the needs of their peoples;
5. The Chiefs in Assembly recognize the importance of gathering in unity and building consensus to address issues and concerns within their communities, regionally and nationally;
6. The Chiefs in Assembly recognize the importance of having representatives from all First Nation communities within Ontario participate in discussions and decisions at all gatherings with respect to the issues and concerns within their respective territories.

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

1. Call upon one another to declare, in written form, renewed commitment to the goals and objectives of the original National Indian Brotherhood.
2. Call upon our brothers and sisters to come together to develop unified approaches and processes to fight federal policies which oppress and depress our communities, and steal the hope of the next generation.
3. Direct the Ontario Regional Chief, through the Charter Task Force, to compile foundation documents, strategic plans, mandates and authorities, in preparation for the next All Ontario Chiefs Conference, with the intent of building the unity we so desperately need for the health and prosperity of our Nations.

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CHIEFS OF ONTARIO

ONTARIO SPECIAL CHIEFS ASSEMBLY
November 26-27-28, 2013
Fort William First Nation

RESOLUTION 13/55

SUBJECT: FIRST NATION HOMELAND SECURITY

MOVER: Chief Thomas Bressette, Chippewas of Kettle and Stony Point

SECONDER: Chief Simon Fobister, Grassy Narrows First Nation

DECISION: Carried

WHEREAS

1. First Nations within the borders of what is now known as the Province of Ontario have historically resided, inhabited, and utilized these vast lands prior to European contact and the establishment of settler governments;
2. First Nations have never relinquished their responsibility for the preservation and protection of their Treaty rights, lands and resources within their traditional territories;
3. First Nations have never relinquished their responsibility for ensuring peace and safety for their citizens within their traditional territories;
4. Canadian governments have refused to live up to their Treaty obligations to provide sufficient funding for the peace and security of our First Nation Homelands;
5. Now, more than ever, First Nation Treaty rights, lands and resources and citizens are under attack by the settler governments, which is negatively impacting the long-term health of the lands, waters, air and the well-being of citizens;
6. First Nation citizens have called upon First Nation leadership to ensure the preservation and protection of their Treaty rights, lands and resources within their traditional territories;
7. A First Nations Homeland Security organization at the provincial level can build on existing peace keeping resources at the First Nation and Treaty territory levels.

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

1. Are committed to the creation of a First Nation Homeland Security organization with a mission to support the peaceful protection of our Treaty rights, lands and resources, and citizens from the on-going attacks by the settler governments.
2. Are committed to finding the means to create and sustain the establishment of a First Nation Homeland Security, linked to existing community and Treaty territory peace keeping resources.
3. Direct the Chiefs of Ontario to develop a plan and terms of reference for the creation and operation of a First Nation Homeland Security, to be presented at the next gathering of the Chiefs in Assembly.

Certified Copy of a Resolution dated November 28, 2013.



Stan Beardy, Ontario Regional Chief



CHIEFS OF ONTARIO

ONTARIO SPECIAL CHIEFS ASSEMBLY
November 26-27-28, 2013
Fort William First Nation

RESOLUTION 13/56

SUBJECT: ASSEMBLY OF FIRST NATIONS TREATY IMPLEMENTATION PROCESS

MOVER: Chief Isadore Day, Serpent River First Nation

SECONDER: Ava Hill, Proxy, Six Nations of the Grand River Territory

DECISION: Carried

WHEREAS:

1. The Assembly of First Nations (AFN) Executive met with Prime Minister Harper and officials of the Prime Minister's office (PMO) on January 11th 2013, and developed an 8-point joint action plan that included discussions on treaty implementation;
2. A Senior Oversight Committee (SOC) process has been established as part of the joint AFN-PMO process on Treaty Implementation and Enforcement;
3. The Ontario Chiefs in Assembly have not formally endorsed the AFN mandate to negotiate Treaty processes or frameworks with the PMO on behalf of First Nation Treaty rights holders;
4. The Ontario Chiefs in Assembly are made up of several Treaty nations, each with their own unique histories, rights, laws and legal arrangements;
5. The Ontario Chiefs in Assembly recognize the inherent jurisdiction and rights of First Nations recognize and that treaties were developed as part of sacred ceremonies and protocols intended to protect and sustain the way of life of the various First Nations within their respective Treaty regions;
6. The Ontario Chiefs in Assembly assert, acknowledge and recognize that treaties are developed on a Nation-to-Nation basis whereby political territorial organizations, national or regional, do not have the authority to negotiate or discuss treaty rights, implementation and enforcement without the specific mandate and/or participation of each First Nation treaty signatory.

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

1. Assert, acknowledge and recognize that Treaties are developed on a Nation to Nation basis, and political territorial organizations, national or regional, do not have the authority to negotiate or discuss Treaty rights, implementation and/or enforcement without the specific mandate and/or participation of each First Nation Treaty signatory, including pre-Confederation Treaties.

2. Cannot give the PMO or the AFN the authority, permission, or mandate to discuss, negotiate or develop a Treaty implementation or enforcement process – that mandate is the specific authority of each Treaty signatory within each Treaty Territory.
3. Support the development of a process for First Nation Treaty rights holders to have discussions with Canada and the Provinces, on behalf of the British Crown as long as that process, and the development of that process, includes the participation of each Treaty signatory within each First Nation Treaty territory.
4. Recognize the obligation of Canada and the Province, on behalf of the Crown, to honour its Treaty obligations, as understood by Indigenous peoples, in a modern context, and recognize that Treaty implementation and enforcement must come from First Nation Treaty rights holders.
5. Direct the Ontario Regional Chief to deliver a clear message to the AFN and Canada that discussions on First Nation Treaties, whether it be implementation, enforcement, rights and/or policies that impact Treaty beneficiaries, must involve the full and direct participation of First Nation Treaty signatories within each Treaty territory, as per a proper Treaty meeting and process protocol.
6. Confirm that First Nations in Ontario that have not signed a Treaty, including First Nations involved in modern Treaty negotiations, support the process that is described in this resolution.
7. The expectation is that the AFN will facilitate, when requested by a First Nation, the opening of discussions, but leave the conduct and control of such discussions to Treaty signatory First Nations.
8. This resolution does not override or otherwise affect any current or future claim and other negotiations related to Treaty rights at the First Nation level.

Certified Copy of a Resolution dated November 28, 2013.



Stan Beardy, Ontario Regional Chief