

ASSEMBLY OF MANITOBA CHIEFS CHIEFS ASSEMBLY



CERTIFIED COPIES
OF
ADOPTED RESOLUTIONS

ASSEMBLY OF MANITOBA CHIEFS

***Special Chiefs Assembly on Health Legislation & UNDRIP
RBC Convention Centre, Winnipeg, MB
January 31, February 1 & 2, 2023***

ASSEMBLY OF MANITOBA CHIEFS
Special Chiefs Assembly on Health Legislation & UNDRIP
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CERTIFIED RESOLUTIONS

JAN-23.01	REGIONAL FIRST NATIONS POSITION IN RESPONSE TO CANADA'S FEDERAL INDIGENOUS HEALTH LEGISLATION
JAN-23.02	CANADA'S FEDERAL INDIGENOUS HEALTH LEGISLATION FOR FIRST NATIONS IN MANITOBA- CLARITY ON ROLES
JAN-23.03	TREATY-BASED APPROACH TO CANADA'S FEDERAL INDIGENOUS HEALTH LEGISLATION
JAN-23.04	REINVIGORATING THE POLITICAL UNITY ACCORD ON HEALTH
JAN-23.05	ADDRESSING SYSTEMIC RACISM AND DISCRIMINATION IN HEALTH CARE
JAN-23.06	OPPOSITION TO THE INDIAN DAY SCHOOL SETTLEMENT APPLICATION DEADLINE
JAN-23.07	FIRST NATIONS TREATY LANDS AND TRADITIONAL TERRITORIES AND AGRICULTURAL CROWN LAND LEASE AND PERMIT AUCTIONS
JAN-23.08	DIRECTION TO THE LAPLANTE/MISIPAWISTIK LEGAL TEAM ABOUT CFS CLASS ACTION

ASSEMBLY OF MANITOBA CHIEFS
Special Chiefs Assembly on Health Legislation & UNDRIP
RBC Convention Centre, Winnipeg, MB
January 31, February 1 & 2, 2023

CERTIFIED RESOLUTION

JAN-23.01
Page 1 of 4

Moved by:

Chief Derek
Nepinak, Pine
Creek First
Nation

Seconded by:

Chief Sheldon
Kent, Black River
First Nation

CARRIED

RE: REGIONAL FIRST NATIONS POSITION IN RESPONSE TO CANADA'S FEDERAL INDIGENOUS HEALTH LEGISLATION

WHEREAS, the Assembly of Manitoba Chiefs, through the Chiefs-in-Assembly, is mandated to protect First Nations' inherent right to self-determination and self-government and to promote, preserve, and protect Aboriginal and Treaty rights for First Nations in Manitoba; and

WHEREAS, First Nations have entered into Treaties with representatives of the Crown, at which time representatives of the Crown made promises regarding the right to health and safety for First Nations citizens; and

WHEREAS, in *Wahbung: Our Tomorrows 1971*, First Nations leadership expressed commitment to develop healthy societies for all people and for health services to be included in federal health legislation respecting the rights of Indians; and

WHEREAS, according to the *United Nations Declaration on the Rights of Indigenous People* (UNDRIP), Indigenous Peoples have the right to traditional medicines, health practices and institutions (Article 24); and, that they have an equal right to the enjoyment of the highest attainable standard of physical and mental health (Article 20), which can be achieved by developing political, economic, and social systems, and health institutions; furthermore, that, they have the right to maintain, control, protect and develop their intellectual property over matters such as cultural heritage, traditional knowledge, and traditional cultural expressions (Article 31); and

WHEREAS, the United Nations 2030 Agenda, adopted by all United Nations Member states in 2015, provides a blueprint for peace and prosperity of individuals by setting 17 urgent goals. These goals recognize that ending poverty must go hand-in-hand with strategies to improve health and education, reduce inequality, spur economic growth, and protect the planet. These goals include: Good Health and Well-Being; Zero Hunger; Life on Land; Reduced Inequalities; Climate Action; Peace; Justice and Strong Institutions; and Clean Water and Sanitation, among others; and

WHEREAS, the Truth and Reconciliation Commission of Canada's Call to Action #19 states: We call upon the federal government, in consultation with Aboriginal peoples, to establish measurable goals to identify and close the gaps in health outcomes between Aboriginal and non-Aboriginal communities and to publish annual progress reports and assess long-term trends; and

ASSEMBLY OF MANITOBA CHIEFS
Special Chiefs Assembly on Health Legislation & UNDRIP
RBC Convention Centre, Winnipeg, MB
January 31, February 1 & 2, 2023

CERTIFIED RESOLUTION

JAN-23.01
Page 2 of 4

RE: REGIONAL FIRST NATIONS POSITION IN RESPONSE TO
CANADA'S FEDERAL INDIGENOUS HEALTH LEGISLATION

WHEREAS, Canada has failed to adequately implement the Treaty right to health, and continues to make unilateral decisions regarding the health and well-being of First Nations citizens by imposing their policies and laws on First Nations without free, prior, and informed consent; and

WHEREAS, AMC Chiefs-in-Assembly passed resolution JUL-11.04 A *Shared Vision for a Unified Health System in Manitoba* states:

THEREFORE BE IT RESOLVED, that the Chiefs-in-Assembly support the Political Unity Accord on Health and direct the AMC Grand Chief to engage the MKO Grand Chief and SCO Grand Chief to sign off on the Accord; and

FURTHER BE IT RESOLVED, that the Chiefs-in-Assembly direct the AMC Grand Chief to initiate discussion with the Federal and Provincial government on the development of a tripartite framework for "A Shared Vision for a Unified Health System in Manitoba" and that the Chiefs Task Force on Health take the lead role, communicate the proposed undertakings to Leadership and present developments to the next AMC Chiefs-in-Assembly for review and decision.

WHEREAS, the First Nations Health and Social Secretariat of Manitoba was established through AMC Chiefs-in-Assembly resolution JUL-13.08, MAR-14.10 and became a permanent entity through resolution JUN-18.04; and

WHEREAS, the goal of the First Nations Health and Social Secretariat is for First Nations in Manitoba to have increased opportunities to participate in the planning & development of a Unified Health System in Manitoba; the influence of regional and national health policy, health systems and program development in areas including, but not limited to, health consultation, maternal child health, e-Health/Panorama, youth suicide, mental health, inter-governmental health, health and social determinants of health, health research, web-based home, and community care training, health governance, and infrastructure support; and

ASSEMBLY OF MANITOBA CHIEFS
Special Chiefs Assembly on Health Legislation & UNDRIP
RBC Convention Centre, Winnipeg, MB
January 31, February 1 & 2, 2023

CERTIFIED RESOLUTION

JAN-23.01
Page 3 of 4

RE: REGIONAL FIRST NATIONS POSITION IN RESPONSE TO
CANADA'S FEDERAL INDIGENOUS HEALTH LEGISLATION

WHEREAS, the FNHSSM provided a presentation on the background and overview of proposed Indigenous Health Legislation that included their engagement process at the AMC Special Chiefs Assembly on Health Legislation and UNDRIP on January 31, 2023.

THEREFORE BE IT RESOLVED, the Chiefs-in-Assembly agrees to participate in the development of a First Nations Regional Approach to Canada's Federal Indigenous Health Legislation that leaves the determination up to each First Nation in Manitoba that includes an opt-in clause.

FINALLY BE IT RESOLVED, that the Chiefs-in-Assembly is to support any co-development of health legislation in relation to First Nations be based on the following:

- (1) nothing in the legislation shall take away, or be interpreted as taking away from First Nations' inherent rights or Treaty rights;
- (2) First Nations laws and legal orders with respect to health and well-being must be respected and reflected in First Nations health legislation;
- (3) legislation must reflect First Nations perspectives on health, including language, worldviews, prevention, and traditional cultural practices;
- (4) there must be a regional approach to the development of the legislation that considers the unique needs of First Nations and includes Indigenous Services Canada-Regional Office and the Manitoba provincial government;
- (5) the co-development of the legislation must be in keeping with Article 19 of the UNDRIP, whereby First Nations must provide their free, prior, and informed consent prior to Canada adopting and implementing legislation; and

ASSEMBLY OF MANITOBA CHIEFS
Special Chiefs Assembly on Health Legislation & UNDRIP
RBC Convention Centre, Winnipeg, MB
January 31, February 1 & 2, 2023

CERTIFIED RESOLUTION

JAN-23.01
Page 4 of 4

RE: REGIONAL FIRST NATIONS POSITION IN RESPONSE TO
CANADA'S FEDERAL INDIGENOUS HEALTH LEGISLATION

- (6) each First Nation in Manitoba, as sovereign Nations, will determine whether or not this legislation will apply to their Nation and their citizens;
- (7) that health and social transfers must be made to First Nations rather than to the provinces; and
- (8) that at a minimum, First Nations health legislation must take a holistic approach to health and address the 17 Sustainable Development goals adopted by all United Nations member states, including Canada.

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of a Resolution Adopted
on February 1, 2023
Winnipeg, MB



Grand Chief Cathy Merrick

ASSEMBLY OF MANITOBA CHIEFS
Special Chiefs Assembly on Health Legislation & UNDRIP
RBC Convention Centre, Winnipeg, MB
January 31, February 1 & 2, 2023

CERTIFIED RESOLUTION

JAN-23.02
Page 1 of 3

Moved by:

Chief Heidi Cook,
Misipawisitik
Cree Nation

RE: CANADA'S FEDERAL INDIGENOUS HEALTH
LEGISLATION FOR FIRST NATIONS IN MANITOBA- CLARITY ON
ROLES

Seconded by:

Chief Derrick
Henderson,
Sagkeeng First
Nation

WHEREAS, the mandate of the Assembly of Manitoba Chiefs (AMC), through the Chiefs-in-Assembly, is to devise the collective and common political strategies and mechanisms for the coordinated action by First Nations and their organizations to, among others: promote, preserve, and protect Aboriginal and Treaty rights for First Nations people in Manitoba; and

CARRIED

WHEREAS, in *Wahbung: Our Tomorrows 1971*, the Chiefs in Manitoba expressed commitment to maintain that health services should be included in federal health legislation respecting the rights of Indians; and

WHEREAS, *The United Declaration on the Rights of Indigenous Peoples* (UNDRIP) sets out the minimum standards for the survival, dignity, and well-being of the Indigenous peoples based on international human rights and that they have a right to self-determination to develop political, economic, and social institutions inter alia in the areas of health, education, employment, housing, and social programs affecting them; and

WHEREAS, UNDRIP sets out that Indigenous peoples have the right to traditional medicines, practices and institutions; and that they have an equal right to the enjoyment of the highest attainable standard of physical and mental health, which can be achieved by developing their political, economic and social systems and health institutions; furthermore, that, they have the right to maintain, control, protect and develop their intellectual property over matters such as cultural heritage, traditional knowledge, and traditional cultural expressions; and

WHEREAS, the Government of Canada, represented by Indigenous Services Canada, is in the process of engaging First Nations, Inuit, and Métis Nation partners on the co-development of distinctions-based Indigenous health legislation; and

WHEREAS, Health Transformation is being undertaken by the AMC, Manitoba Keewatinowi Okimakanak (MKO), Southern Chiefs Organization (SCO), and the First Nations Health and Social Secretariat of Manitoba (FNHSSM); and

ASSEMBLY OF MANITOBA CHIEFS
Special Chiefs Assembly on Health Legislation & UNDRIP
RBC Convention Centre, Winnipeg, MB
January 31, February 1 & 2, 2023

CERTIFIED RESOLUTION

JAN-23.02
Page 2 of 3

RE: CANADA'S FEDERAL INDIGENOUS HEALTH LEGISLATION FOR FIRST NATIONS IN MANITOBA- CLARITY ON ROLES

WHEREAS, to date, the FNHSSM has coordinated preliminary work on the Government of Canada's co-development of distinctions-based Indigenous health legislation, including commissioning a legal review, establishing a Technical Working Group, conducting, creating and carrying-out education seminars with Provincial Territorial Organization staff, Health Technicians, Elders, and Knowledge Keepers, and First Nation leadership; and

WHEREAS, the AMC, MKO, and SCO signed a Political Unity Accord on First Nations Health in November 2011 to develop a renewed health strategy for the benefit of First Nations people in Manitoba; and

WHEREAS, there is a need for coordinating a collective and unified response on behalf of First Nations in Manitoba for the Government of Canada regarding First Nations health legislation and distinctions-based Indigenous health legislation processes.

THEREFORE BE IT RESOLVED, that the Chiefs-in-Assembly direct the AMC to assume the role of leading the future coordination regarding the Government of Canada's co-development of distinctions-based Indigenous health legislation process with support from the FNHSSM as required.

FURTHER BE IT RESOLVED, that the Chiefs-in-Assembly directs AMC Grand Chief to develop a political and strategic plan including clear roles and responsibilities of each organization to inform Canada's federal Indigenous health legislation for First Nations in Manitoba.

FINALLY BE IT RESOLVED, that the Chiefs-in-Assembly directs the AMC Secretariat to present the political and strategic plan at the next AMC Chiefs-in-Assembly.


ASSEMBLY OF MANITOBA CHIEFS
Special Chiefs Assembly on Health Legislation & UNDRIP
RBC Convention Centre, Winnipeg, MB
January 31, February 1 & 2, 2023

CERTIFIED RESOLUTION

JAN-23.02
Page 3 of 3

RE: CANADA'S FEDERAL INDIGENOUS HEALTH
LEGISLATION FOR FIRST NATIONS IN MANITOBA- CLARITY ON
ROLES

CERTIFIED COPY
of a Resolution Adopted
on February 1, 2023
Winnipeg, MB



Grand Chief Cathy Merrick

ASSEMBLY OF MANITOBA CHIEFS
Special Chiefs Assembly Health Legislation & UNDRIP
RBC Convention Centre, Winnipeg, MB
January 31, February 1 & 2, 2023

CERTIFIED RESOLUTION

JAN 23.03
Page 1 of 4

Moved by:

Chief Cornell
McLean, Lake
Manitoba Treaty
2 First Nation

Seconded by:

Chief Sidney
Ballantyne,
Opaskwayak Cree
Nation

CARRIED

**RE: TREATY-BASED APPROACH TO CANADA'S FEDERAL
INDIGENOUS HEALTH LEGISLATION**

WHEREAS, the health of First Nations in Manitoba is in a deplorable state. Compared to non-First Nations people, First Nations in Manitoba experience substantially greater mortality and morbidity rates and poorer self-rated health including a lower life expectancy for First Nations in Manitoba and higher rates of infectious and life-threatening diseases; and

WHEREAS, overcrowding, lack of clean drinking water, deprivation of traditional diet, disproportionate educational failure, unemployment, and reliance on income assistance are continuing social factors that perpetuate ill health in First Nations; and

WHEREAS, First Nations in Manitoba have entered into Treaties with representatives of the Crown, at which time representatives of the Crown made promises regarding the health and safety of First Nations citizens.

WHEREAS, in *Wahbung: Our Tomorrows 1971*, the Chiefs of Manitoba expressed commitment to develop healthy societies for all people and for health services to be included in federal health legislation respecting the rights of Indians; and

WHEREAS, the mandate of the Assembly of Manitoba Chiefs (AMC) is through the Chiefs-in-Assembly to devise collective and common political strategies and mechanisms for coordinated action by First Nations and their organizations to, among others to: promote, preserve, and protect Aboriginal and Treaty rights for First Nation people in Manitoba; and

WHEREAS, the government of Canada has failed to provide adequate health services to First Nations since the 1870s when written and oral Treaty promises were made on health; and

*ASSEMBLY OF MANITOBA CHIEFS
Special Chiefs Assembly Health Legislation & UNDRIP
RBC Convention Centre, Winnipeg, MB
January 31, February 1 & 2, 2023*

CERTIFIED RESOLUTION

*JAN 23.03
Page 2 of 4*

**RE: TREATY-BASED APPROACH TO CANADA'S FEDERAL
INDIGENOUS HEALTH LEGISLATION**

WHEREAS, despite recommendations from the Royal Commission on Aboriginal Peoples, Canada's failed evolution of First Nation health policy has not changed the high mortality rate among First Nations; and

WHEREAS, there continues to be an absence of First Nations health institutions and a lack of First Nation control on health programming and services, which are barriers to better health outcomes; and

WHEREAS, the jurisdictional ambiguity on the roles and responsibilities of the federal and provincial governments, the business-as-usual approach to health services, and the continuance of old health policies are all impediments to improving the quality of health for First Nations; and

WHEREAS, to address the quality of health for First Nations will require a major health transformation that involves the restoration of First Nations jurisdiction over health. Quality of life leads to quality of health, and the implementation of Treaties (including the Treaty right to health) and the distribution of wealth and jurisdiction over land and resources will promote good health outcomes.

THEREFORE BE IT RESOLVED, that the AMC Chiefs-in-Assembly declare the following:

1. The health of First Nations in the Manitoba region is in turmoil despite the funding allocation on health services and the devolution of health services in the recent past; and
2. The multi-faceted approach to major determinants of good health, including restoration of First Nations jurisdiction on health, is required as part of the solution; and
3. Supports raising the standard of health for First Nations in Manitoba through the co-development of Canada's federal Indigenous health legislation and implementation of the Treaty right to health to achieve full jurisdiction on health.

ASSEMBLY OF MANITOBA CHIEFS
Special Chiefs Assembly Health Legislation & UNDRIP
RBC Convention Centre, Winnipeg, MB
January 31, February 1 & 2, 2023

CERTIFIED RESOLUTION

JAN 23.03
Page 3 of 4

**RE: TREATY-BASED APPROACH TO CANADA'S FEDERAL
INDIGENOUS HEALTH LEGISLATION**

FURTHER BE IT RESOLVED, the Chiefs-in-Assembly directs the AMC Secretariat to promote a treaty-based approach to Canada's federal Indigenous health legislation by supporting the restructuring of health services to achieve better health outcomes and full jurisdiction on health. In the transformation of health services, it is paramount to include determinants of health such as traditional holistic healing, family wellness, clean drinking water, adequate housing, access to traditional lands for economic development and dietary needs, higher employment, and education rates.

FINALLY BE IT RESOLVED, the Chiefs-in-Assembly declare the position of First Nations in Manitoba that the Treaty right to health originates from a Treaty promise between the Crown and the First Nations in which the Crown has a legal obligation to recognize and implement, and that, any federal undertaking involving the Treaty right to health must observe the following:

1. Treaty right to health is derived from the oral negotiations in Treaties 1, 2, 3, 4, 5, 10 and the Treaty 6 Medicine Chest Clause; health is also an Inherent right subject to the right of self-determination and sovereignty.
2. First Nations Treaty right to health includes but not limited to access to clean water and land, cultural identity, and language, spirituality, and medicine and wellness, which are considered determinants of health.
3. Treaties are a foundation for future nation-to-nation rebuilding through discussions and fair interpretation and implementation of Treaties.
4. Aboriginal and Treaty rights are constitutionally protected rights under Section 35 of Canada's *Constitution Act, 1982*, and that the provinces have corresponding obligations to protect and implement the Treaty right to health.
5. The federal government's premise that medical services do not flow from legal obligations from numbered Treaty provisions but are from "benevolent efforts of early government" is a false statement.
6. The courts have determined that the Treaty right to health must be interpreted to include a full range of medical services.

*ASSEMBLY OF MANITOBA CHIEFS
Special Chiefs Assembly Health Legislation & UNDRIP
RBC Convention Centre, Winnipeg, MB
January 31, February 1 & 2, 2023*

CERTIFIED RESOLUTION

*JAN 23.03
Page 4 of 4*

**RE: TREATY-BASED APPROACH TO CANADA'S FEDERAL
INDIGENOUS HEALTH LEGISLATION**

7. The recognition and implementation of a Treaty right to health that is consistent with the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

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on February 1, 2023
Winnipeg, MB*



Grand Chief Cathy Merrick

ASSEMBLY OF MANITOBA CHIEFS
Special Chiefs Assembly Health Legislation & UNDRIP
RBC Convention Centre, Winnipeg, MB
January 31, February 1 & 2, 2023

CERTIFIED RESOLUTION

JAN-23.04
Page 1 of 2

Moved by:

Chief David
Monias,
Pimicikamak Cree
Nation

Seconded by:

Chief Cornell
McLean, Lake
Manitoba Treaty
2 First Nation

CARRIED

RE: REINVIGORATING THE POLITICAL UNITY ACCORD ON HEALTH

WHEREAS, the creation of the Assembly of Manitoba Chiefs (AMC) was based on resolution #6 in October 1987 that adopted the “*Statement of Principle of Political Unity*”; and

WHEREAS, the AMC Chiefs-in-Assembly supported the development of a “Political Unity Accord on Health” through resolution JAN-07.16 in which the AMC, Manitoba Keewatinowi Okimakanak Inc. (MKO), and Southern Chiefs Assembly (SCO) officially signed the Political Unity Accord on Health in November 2011 and was re-signed in October 2017; and

WHEREAS, the AMC Chiefs-in-Assembly passed resolution JUL-11.04 *Shared Vision for a United Health System in Manitoba*; and

WHEREAS, there is a collective need for a unified First Nations Regional Approach to Canada’s federal Indigenous health legislation that will hold Canada to a legal standard that would support fundamental changes to ensure quality health outcomes for First Nations in Manitoba; and

WHEREAS, AMC, MKO, SCO, Regional Chief of the Assembly of First Nations (AFN), and the Anishinew Okimawin (AO) have informally met monthly since November 2022 to discuss how to move forward on important issues collectively.

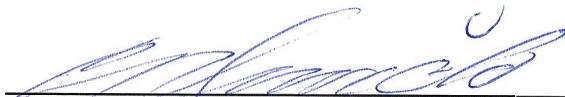
THEREFORE BE IT RESOLVED, the Chiefs-in-Assembly direct the AMC Grand Chief to continue discussions with the Grand Chiefs of MKO, SCO, AO, and Regional Chief of the AFN to discuss a renewed approach and strategy on Health to support the development of a reinvigorated Political Unity Accord on Health.

ASSEMBLY OF MANITOBA CHIEFS
Special Chiefs Assembly Health Legislation & UNDRIP
RBC Convention Centre, Winnipeg, MB
January 31, February 1 & 2, 2023

CERTIFIED RESOLUTION

JAN-23.04
Page 2 of 2

CERTIFIED COPY
*of a Resolution Adopted
on February 1, 2023
Winnipeg, MB*



Grand Chief Cathy Merrick

ASSEMBLY OF MANITOBA CHIEFS
Special Chiefs Assembly Health Legislation & UNDRIP
RBC Convention Centre, Winnipeg, MB
January 31, February 1 & 2, 2023

CERTIFIED RESOLUTION

JAN-23.05
Page 1 of 3

Moved by:

Chief Rod Travers,
Kinonjeoshtegon First
Nation

Seconded by:

Chief Glenn Hudson,
Peguis First Nation

CARRIED

RE: ADDRESSING SYSTEMIC RACISM AND DISCRIMINATION IN HEALTH CARE

WHEREAS, the mandate of the Assembly of Manitoba Chiefs (AMC), through the Chiefs-in-Assembly is to devise the collective and common political strategies and mechanisms for the coordinated action by First Nations and their organizations to, among others: preserve and enhance the rights and freedoms of First Nations in Manitoba as distinct peoples; and

WHEREAS, according to the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP): 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 (Article 14 (2)); and

WHEREAS, the Truth and Reconciliation Commission Calls to Action # 24 calls upon medical and nursing schools in Canada to require all students to take a course dealing with Aboriginal health issues, including the history and legacy of residential schools, UNDRIP, Treaties and Aboriginal rights, and Indigenous teachings and practices. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism: and

WHEREAS, the National Inquiry into Missing and Murdered Indigenous Women and Girls Calls for Justice #7.4 calls upon institutions and health service providers to ensure that all persons involved in the provision of health services to Indigenous Peoples receive ongoing training, education, and awareness in areas including, but not limited to: the history of colonialism in the oppression and genocide of First Nations Peoples; and anti-bias and anti-racism; and

WHEREAS, on March 15, 2016 Manitoba's *The Path to Reconciliation Act* came into force and states that the development of a strategy for reconciliation (section 4) establishes immediate and long-term actions that are responsive to the priorities and needs of Indigenous nations and Indigenous peoples, including those set out in the calls to action of the Truth and Reconciliation Commission (c); and fosters the involvement of all sectors of society in the reconciliation process (d); and

*ASSEMBLY OF MANITOBA CHIEFS
Special Chiefs Assembly Health Legislation & UNDRIP
RBC Convention Centre, Winnipeg, MB
January 31, February 1 & 2, 2023*

CERTIFIED RESOLUTION

*JAN-23.05
Page 2 of 3*

RE: ADDRESSING SYSTEMIC RACISM AND DISCRIMINATION IN HEALTH CARE

WHEREAS, on January 31, 2023 during the Special Chiefs Assembly, the College of Physicians and Surgeons of Manitoba issued an apology for its current and historical failure to respond to Indigenous-specific racism in the medical profession and pledged to ask and be guided by Indigenous physicians, scholars, Elders, and knowledge keepers along with the legal and ethical requirements to provide respect, dignity, and equitable health care for Indigenous persons in Manitoba.

THEREFORE BE IT RESOLVED, the Chiefs-in-Assembly establish a Anti-Racism Working Group of the AMC Chiefs Task Force on Health to address and eliminate racism in the health sector.

FURTHER BE IT RESOLVED, the Chiefs-in-Assembly direct the Grand Chiefs Office to follow up on the apology by the College of Physicians & Surgeons of Manitoba and the College of Registered Nurses of Manitoba, all regulated health professionals and to seek a commitment to invest in a position that leads the coordination of the Anti-Racism Working Group and report back at the next Annual General Assembly.

FURTHER BE IT RESOLVED, that the AMC Chiefs Task Force on Health to work in collaboration with other First Nations organizations including the First Nations Health and Social Secretariat of Manitoba and the Keewatinohk Inniniw Minoayawin Inc. to:

- Develop accessible pathways to report racism within health care systems;
- Develop proposed legislative amendments;
- Establish anti-racism navigators, and anti-racism ombudsman;
- Establish a Stop Racism against First Nations Day; and
- Develop mechanisms to see and measure the impacts of racism.

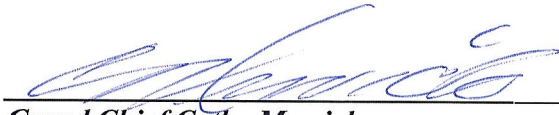
FINALLY BE IT RESOLVED, that the AMC Chiefs-in-Assembly direct the Grand Chief to work with the provincial and federal government to address the Human Right violations within the healthcare sector and if necessary, to prepare legal options for consideration.

*ASSEMBLY OF MANITOBA CHIEFS
Special Chiefs Assembly Health Legislation & UNDRIP
RBC Convention Centre, Winnipeg, MB
January 31, February 1 & 2, 2023*

CERTIFIED RESOLUTION

*JAN-23.05
Page 3 of 3*

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on February 2, 2023
Winnipeg, MB*



Grand Chief Cathy Merrick

ASSEMBLY OF MANITOBA CHIEFS
Special Chiefs Assembly on Health Legislation & UNDRIP
RBC Convention Centre, Winnipeg, Manitoba
January 31, February 1 & 2, 2023

CERTIFIED RESOLUTION

JAN-23.06
Page 1 of 2

Moved by:

Proxy Roland
Whiteway, Berens
River First Nation

Seconded by:

Chief Rod Travers,
Kinonjeoshtegon First
Nation

CARRIED

RE: OPPOSITION TO THE INDIAN DAY SCHOOL SETTLEMENT
APPLICATION DEADLINE

WHEREAS, the Chiefs-in-Assembly passed a resolution in 2019 to support a Class Action Lawsuit intended in addressing the issue of abuse in Indian Day Schools; and

WHEREAS, in 2016 the national law firm Gowling WLG took over the class action lawsuit and in 2019, a settlement agreement was brought to compensate survivors for harms they suffered while attending federally operated Indian Day Schools; and

WHEREAS, the settlement provided a baseline of \$10,000 in individual compensation with additional compensation for further incidents of physical and sexual abuse, with amounts ranging from \$50,000 to \$200,000, based on the severity of the abuses suffered;

WHEREAS, many survivors have yet to apply for compensation for reasons including, but not limited to, fear of being revictimized throughout the process, safeguarding privacy, limited legal guidance, challenges with wills and estates, suppression of past abuses, lack of familial support, shortage of financial means, lack of required identifying documentation, being incapacitated by illness, challenges resulting from COVID-19 health orders that disproportionately affected First Nations people, and poor internet connectivity; and

WHEREAS, in December 2022, the Assembly of First Nations passed a resolution to extend the Day School Claims applications from January 13, 2023, to January 12, 2024, through the Minister of the Crown-Indigenous Relations and Northern Affairs Canada; and

WHEREAS, as of January 13, 2023, the claims administrator is no longer accepting applications for Indian Day School survivors; and

WHEREAS, on January 31, 2023, Berens River First Nation provided the AMC a petition to overturn the Indian Day School application deadline and repeal process for the purpose of maintaining a trusting working relationship with First Nations and the government of Canada.

ASSEMBLY OF MANITOBA CHIEFS
Special Chiefs Assembly on Health Legislation & UNDRIP
RBC Convention Centre, Winnipeg, Manitoba
January 31, February 1 & 2, 2023

CERTIFIED RESOLUTION

JAN-23.06
Page 2 of 2

RE: OPPOSITION TO THE INDIAN DAY SCHOOL SETTLEMENT
APPLICATION DEADLINE

THEREFORE BE IT RESOLVED, the Chiefs-in-Assembly strongly oppose the imposed compensation claim deadline for the Indian Day School settlement, support the demand for the removal of the deadline, and agree that there should be no deadline for applying for compensation for the life-altering and painful experiences that resulted from attending Indian Day Schools.

FURTHER BE IT RESOLVED, the Chiefs-in-Assembly strongly opposes the current application, administrative review and appeal process, which is keeping Indian Day School survivors from receiving all the compensation they may be entitled to. It is agreed that the application review and appeal process should be reviewed and modified so that survivors of Indian Day School can receive the compensation they deserve.

FINALLY BE IT RESOLVED, the Chiefs-in-Assembly directs the Grand Chief to seek to meet with the Claims Administrator, Class Counsel, and any other decision makers, and call on Canada to support to removal of the claim deadline and to revise the compensation review and appeal process for all Indian Day School Survivors.

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Grand Chief Cathy Merrick

ASSEMBLY OF MANITOBA CHIEFS
Special Chiefs Assembly on Health Legislation & UNDRIP
RBC Convention Centre, Winnipeg, Manitoba
January 31, February 1 & 2, 2023

CERTIFIED RESOLUTION

JAN-23.07
Page 1 of 3

Moved by:

Chief David Monias,
Pimicikamak Cree
Nation

RE: FIRST NATIONS TREATY LANDS AND TRADITIONAL TERRITORIES AND AGRICULTURAL CROWN LAND LEASE AND PERMIT AUCTIONS

Seconded by:

Chief Wayne
Desjarlais,
Ebb and Flow First
Nation

WHEREAS, we declare, we have a right to the lands, territories, and resources which we have traditionally owned, occupied, or otherwise used or acquired as declared in Article 26.1 of the United Nations Declaration on the Rights of Indigenous Peoples; and

CARRIED

WHEREAS, we have an Inherent and Treaty right to continue our mode of life and make a living as promised in the Treaties. With certainty, this includes an unfettered right to trade and commerce; and

WHEREAS, the Crown at both the federal and the provincial levels have taken a unilateral approach in the interpretation of the Treaties that only serve to benefit their interests. This violates the articles of our sacred Treaties and our fundamental human right to access resources to sustain our peoples and governments: and

WHEREAS, the practice of auctioning-off large swaths of unoccupied Crown land obstructs the exercise of First Nations' Inherent and Treaty rights to hunt fish and trap, which are protected by the *Constitution Act, 1982*: and

WHEREAS, Canada's continued offering of long-term permits and leasing arrangements in a patchwork of Treaty lands and traditional territories throughout the province of Manitoba without free, prior, and informed consent of First Nations results in a cumulative diminishment of First Nation rights, perpetuates the harms that many First Nations suffer due to Crown actions, and impedes First Nations' ability to sufficiently practice our cultural traditions: and

WHEREAS, Crown Land Auctions are in derogation of the purpose and intent of the Manitoba Treaty Land Entitlement Agreements. The Manitoba Framework Agreement on Treaty Land Entitlement (Framework Agreement) requires that under certain circumstances, the Manitoba Government must provide an Entitlement First Nation with notice of any proposed disposition of Crown land, such disposition includes permitting or leasing the land: and

ASSEMBLY OF MANITOBA CHIEFS
Special Chiefs Assembly on Health Legislation & UNDRIP
RBC Convention Centre, Winnipeg, Manitoba
January 31, February 1 & 2, 2023

CERTIFIED RESOLUTION

JAN-23.07
Page 2 of 3

RE: FIRST NATIONS TREATY LANDS AND TRADITIONAL TERRITORIES AND AGRICULTURAL CROWN LAND LEASE AND PERMIT AUCTIONS

WHEREAS, The Government of Manitoba has adopted in its general rules of interpretation in *The Interpretation Act* at section 8: “No Act or regulation is to be interpreted so as to abrogate or derogate from the aboriginal and treaty rights of the aboriginal peoples of Canada that are recognized and affirmed by section 35 of the *Constitution Act, 1982*. The Government of Manitoba has also defined reconciliation in its *Path to Reconciliation Act* at section 1(1): "Reconciliation" refers to the ongoing process of establishing and maintaining mutually respectful relationships between Indigenous and non-Indigenous peoples in order to build trust, affirm historical agreements, address healing and create a more equitable and inclusive society; and

WHEREAS, the Chiefs-in-Assembly asserts that proper and adequate notice of the proposed disposition of Crown land is not provided to First Nations who have yet to have their Treaty land entitlement requirements fulfilled.

THEREFORE BE IT RESOLVED, the Chiefs-in-Assembly strongly oppose the racist and colonial approach of the federal and provincial governments - including in its contrary interpretation and application of its laws and approach to reconciliation - in its treatment of the Treaty Lands and Traditional Territories and waters (“First Nations lands”) of First Nations in Manitoba.

FURTHER BE IT RESOLVED, the Chiefs-in-Assembly direct the Grand Chief’s Office to develop a legal strategy to protect the First Nations lands of First Nations in Manitoba. That this strategy address:

1. ongoing trespass by government and proponents on First Nations lands including through the current provincial agricultural crown lands lease and permit auction;
2. recognition of the free, prior and informed consent of First Nations prior to any development on First Nations lands;
3. that any agreement in relation to the use of First Nations lands provide for just and fair compensation to First Nations; and

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CERTIFIED RESOLUTION

*JAN-23.07
Page 3 of 3*

RE: **FIRST NATIONS TREATY LANDS AND TRADITIONAL
TERRITORIES AND AGRICULTURAL CROWN LAND LEASE
AND PERMIT AUCTIONS**

4. that environmental protection standards as developed by First Nations are upheld by government and proponents.

CERTIFIED COPY
*of a Resolution Adopted
on February 2, 2023
Winnipeg, MB*



Grand Chief Cathy Merrick

ASSEMBLY OF MANITOBA CHIEFS
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January 31, February 1 & 2, 2023

CERTIFIED RESOLUTION

Jan-23.08
Page 1 of 2

Moved by:
Chief Heidi
Cook,
Misipawistik
Cree Nation

Seconded by:
Chief David
Monias,
Pimicikamak
Cree Nation

RE: DIRECTION TO THE LAPLANTE/MISIPAWISTIK LEGAL TEAM
ABOUT CFS CLASS ACTION

WHEREAS, the Assembly of Manitoba Chiefs has a long history of advocating for child welfare reform which is grounded in Chiefs-in-Assembly Resolutions dating back over 30 years, including but not limited to a constitutional legal challenge relating to the Children Special Allowance; and

WHEREAS, the AMC began to consider the merits of launching a class action relating to the off-reserve child welfare system for First Nations children and families in October 2021; and

WHEREAS, the AMC Women's Council met and discussed the potential lawsuit for provincially funded First Nations children in the child welfare system. A resolution supporting a class action on behalf of First Nations children, families and First Nations was passed on September 9, 2022; and

WHEREAS, On October 6, 2022, a Statement of Claim was filed against Manitoba and Canada about the off-reserve child welfare system on behalf of First Nations children, families, and First Nations. The class action was filed by three First Nation individuals, three First Nations (Misipawistik Cree Nation, Black River First Nation, and Pimicikamak Cree Nation) and the Assembly of Manitoba Chiefs ("Laplante/Misipawistik Action"); and

WHEREAS, On October 13, 2022, the Executive Council of Chiefs of the AMC passed a Motion in support of the Laplante/Misipawistik Action; and

WHEREAS, Class Actions were filed on August 19, 2022 and August 26, 2022 on behalf of Indigenous children and families. A joint class action known as the Fontaine Class Action was filed on October 24, 2022.

THEREFORE BE IT RESOLVED, the Chiefs-in-Assembly direct the Laplante/Misipawistik Action Legal Team to engage in discussions with the Fontaine Class Actions to explore the possibilities of moving forward together.

CARRIED

ASSEMBLY OF MANITOBA CHIEFS
Special Chiefs Assembly Health Legislation & UNDRIP
RBC Convention Centre, Winnipeg, MB
January 31, February 1 & 2, 2023

CERTIFIED RESOLUTION

Jan-23.08
Page 2 of 2

RE: DIRECTION TO THE LAPLANTE/MISIPAWISTIK LEGAL TEAM
ABOUT CFS CLASS ACTION

FINALLY BE IT RESOLVED, that any resolution between the Class Actions must:

- address the individual and communal harms experienced by First Nations children, families, and First Nations as a consequence of the actions of Manitoba and Canada;
- be First Nations-specific;
- include monetary compensation for First Nations children, families and First Nation as well as systemic remedies;
- include constitutional breaches relating to the denial of freedom of religion for the harm caused by the child welfare system on the ability of First Nations children to connect with their spirituality;
- ensure that legal costs are restrained to maximize the compensation available to First Nations children, families and First Nations; and
- encourage all parties to work together to ensure that no child is left behind.

CERTIFIED COPY
of a Resolution Adopted
on February 2, 2023
Winnipeg, MB



Grand Chief Cathy Merrick