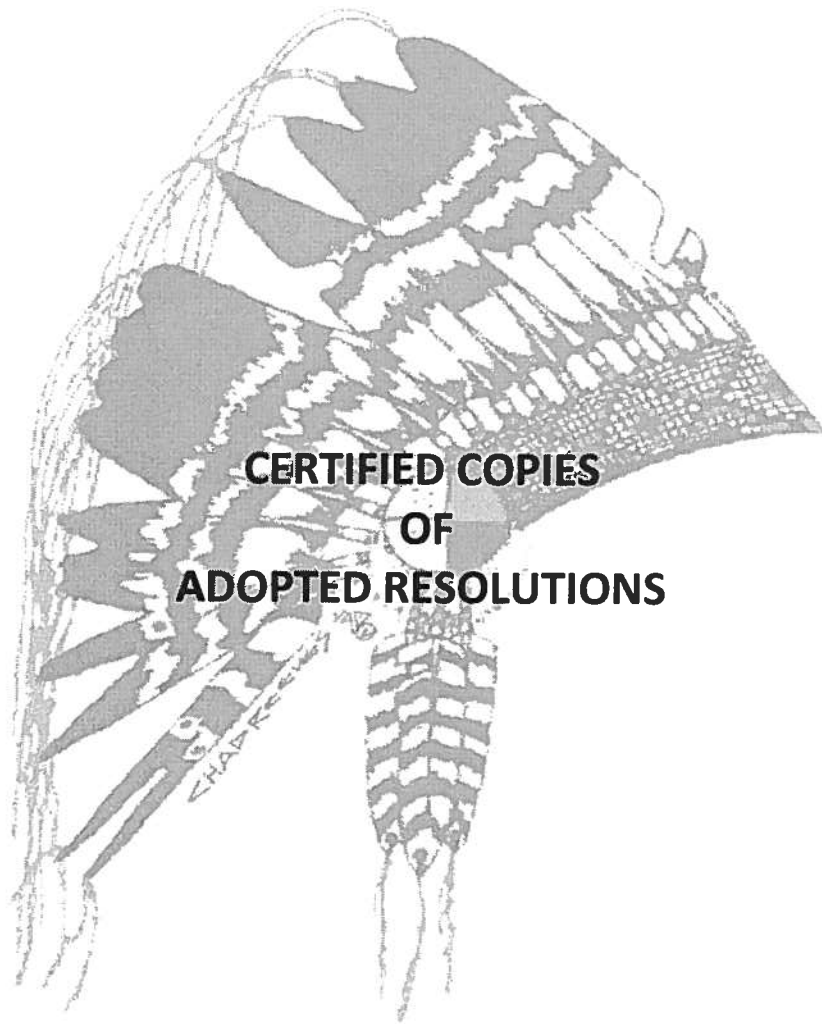


# **ASSEMBLY OF MANITOBA CHIEFS 25<sup>th</sup> ANNUAL GENERAL ASSEMBLY**



**CERTIFIED COPIES  
OF  
ADOPTED RESOLUTIONS**

Veterans Hall  
Opaskwayak Cree Nation  
July 9, 10, 11, 2013

## TABLE OF CONTENTS

- JUL-13.02 APPOINTMENT OF TREATY COMMISSIONER, TREATY RELATIONS COMMISSION OF MANITOBA (TRCM)
- JUL-13.03 AMENDMENT OF THE ASSEMBLY OF MANITOBA CHIEFS CONSTITUTION
- JUL-13.04 ASSEMBLY OF MANITOBA CHIEFS SUPPORT RED SUCKER LAKE FIRST NATION “NO FREE ENTRY” DECLARATION
- JUL-13.05 FRAMEWORK AGREEMENT INITIATIVE REVIEW AND SPECIAL ASSEMBLY ON LANDS AND RESOURCE PROTECTION
- JUL-13.06 FIRST NATION EXCLUSIVE SOVEREIGNTY TO DEAL WITH TREATIES
- JUL-13.08 INTERIM MANITOBA FIRST NATIONS HEALTH INCORPORATED ENTITY TO PURSUE TRIPARTITE COLLABORATION FOR A UNIFIED HEALTH SYSTEM
- JUL-13.09 REJECTION OF CANADA COMMON FUNDING ARRANGEMENTS & STRATEGY FOR ALTERNATIVE CONTRIBUTION AGREEMENTS
- JUL-13.11 NON-INSURED HEALTH BENEFITS PROGRAM PAYER OF LAST RESORT POLICY
- JUL-13.12 MANITOBA’S FAILURE ON THE DUTY TO CONSULT AND MORATORIUM ON RESOURCE DEVELOPMENT IN THE ISLAND LAKE REGION

**ASSEMBLY OF MANITOBA CHIEFS  
GENERAL CHIEFS ASSEMBLY  
OPASKWAYAK CREE NATION  
JULY 9, 10, 11, 2013**

**CERTIFIED RESOLUTION**

*JUL-13.02  
Page 1 of 2*

**RE: APPOINTMENT OF TREATY COMMISSIONER, TREATY  
RELATIONS COMMISSION OF MANITOBA (TRCM)**

---

**Moved by:**

Chief Morris Swan  
Shannacappo  
Rolling River First Nation

**Seconded by:**

Chief Phillip Buck  
Mosakahiken Cree First  
Nation

**CARRIED**

**WHEREAS**, the Memorandum of Agreement for a Mutually Respectful Relationship between Canada and the AMC under Section 4.0 – Establishment of a Treaty Relations Commission and Treaty Commissioner states:

- 4.4.1 The Parties will agree upon a Terms of Reference for the Treaty Commissioner;
- 4.4.2 The Parties will apply criteria set out in the Terms of Reference in recommending candidates to the Minister;
- 4.4.3 The appointment of the Treaty Commissioner will be effected by an Order In Council of the Government of Canada (term to be identified);
- 4.4.4 The Treaty Commissioner will hold office for an initial term of five years;
- 4.4.5 The Treaty Commissioner may be removed prior to expiry of his or her term by mutual agreement of the Parties;
- 4.4.6 The Treaty Commissioner may hold office for an additional period as determined by mutual agreement of the Parties;

**WHEREAS**, Section 6.1.1 states the Treaty Commissioner shall be responsible for overseeing the operations of the TRCM according to the purpose and principles;

**WHEREAS**, the Accountability Profile states the primary focus of the Treaty Commissioner's position is to maintain and uphold the honour of the Crown in every aspect of the Treaty relationship between First Nations in Manitoba and Canada and maintains the independence of the TRCM from political, partisan or interest group pressures of any kind;

**WHEREAS**, by way of resolution JAN-11.09 the Chiefs-In-Assembly mandated the AMC Executive Council of Chiefs to engage in a process to short list three candidates, interview by January 31, 2011 and submit the candidate of choice to the Minister for discussion and agreement on the joint appointment of a Treaty Commissioner for the TRCM;

**WHEREAS**, the federal Order-In-Council unilaterally reappointed the second Treaty Commissioner for a 3-year term of April 1, 2011 to March 31, 2014; and

**ASSEMBLY OF MANITOBA CHIEFS  
GENERAL CHIEFS ASSEMBLY  
OPASKWAYAK CREE NATION  
JULY 9, 10, 11, 2013**

**CERTIFIED RESOLUTION**


**JUL-13.02  
Page 2 of 2**

**RE: APPOINTMENT OF TREATY COMMISSIONER, TREATY  
RELATIONS COMMISSION OF MANITOBA (TRCM) (cont'd)**

**WHEREAS**, AANDC Headquarters recommended the term of office of the current Treaty Commissioner be extended from April 1, 2014 to March 31, 2016.

**THEREFORE BE IT RESOLVED**, the Chiefs-In-Assembly direct the AMC Chiefs Task Force on TRCM, Chiefs Committee on Treaties and Self-Determination and AMC Executive Director to oversee the call for names, interviews and selection process by August 31, 2013 and submit the candidate of choice to the AMC Grand Chief for follow-up discussions with the AANDC Minister on the joint appointment of a Manitoba Treaty Commissioner.

**CERTIFIED COPY  
of a Resolution Adopted  
on July 9, 10, 11, 2013  
Opaskwayak Cree Nation, Manitoba**

  
**Grand Chief Derek Nepinak**

**ASSEMBLY OF MANITOBA CHIEFS  
GENERAL CHIEFS ASSEMBLY  
OPASKWAYAK CREE NATION  
JULY 9, 10, 11, 2013**

**CERTIFIED RESOLUTION**

**JUL-13.03**

**Page 1 of 2**

**RE: AMENDMENT OF THE ASSEMBLY OF MANITOBA CHIEFS  
CONSTITUTION**

---

**Moved by:**

Chief Michael Constant  
Opaskwayak Cree Nation

**Seconded by:**

Chief Russell Beaulieu  
Sandy Bay First Nation

**CARRIED**

**WHEREAS**, in September 2012 the federal government announced major funding cuts to Provincial and Territorial Organizations which will leave AMC with a reduction in core funding to \$500,000 beginning April 1, 2014;

**WHEREAS**, the federal funding cuts restrict the ability for AMC to pay for Chiefs to attend Assemblies and Executive Council of Chiefs, and AMC management identified the following can be budgeted started from April 2014:

- AMC would pay for Chiefs to attend one Assembly a year, and Chiefs would have to pay their own way to attend the second Assembly;
- AMC would pay for Chiefs on the ECC to attend two ECC meetings a year, and Chiefs would have to either pay their own way to attend another two ECC meetings a year, or attend by teleconference; and
- AMC would pay for Chiefs to attend two Personnel and Finance Committee meetings a year, and Chiefs would have to pay their own way to attend another two meetings a year or attend by teleconference.

**WHEREAS**, the Chiefs Committee on AMC Governance Renewal met and reviewed the proposed draft changes to the Constitution in order to change the minimum number of Assemblies and meetings of the Executive Council of Chiefs; and

**WHEREAS**, Article 20 of the AMC Constitution states "The Constitution may be amended by two thirds ( $\frac{2}{3}$ ) of the Chiefs, of the member First Nations of the Assembly of Manitoba Chiefs present at an Annual Assembly or any General Assembly and a positive vote of two thirds ( $\frac{2}{3}$ ) of those present".

**THEREFORE BE IT RESOLVED**, The Chiefs-in-Assembly amend the AMC Constitution as follows:

**ARTICLE 9**

The Chiefs-in-Assembly shall meet:

1. Once a year within 180 days of the fiscal year end to deal with year end business. The Assembly Secretariat will cover the basic operational costs of hosting the Assembly (i.e. venue, food and refreshments, contractors, guest speakers, ceremonies) as well as Chiefs' travel and accommodations.

**ASSEMBLY OF MANITOBA CHIEFS  
GENERAL CHIEFS ASSEMBLY  
OPASKWAYAK CREE NATION  
JULY 9, 10, 11, 2013**

**CERTIFIED RESOLUTION**

**JUL-13.03  
Page 2 of 2**

**RE: AMENDMENT OF THE ASSEMBLY OF MANITOBA CHIEFS  
CONSTITUTION (cont'd)**

---

2. In General Assemblies on or about the month of September, December and March depending upon the availability of funds for the Assembly Secretariat to cover the basic operational costs of hosting the Assembly. Chiefs will be responsible for their own travel and accommodation unless the Office of the Grand Chief secures additional funding to cover these unbudgeted expenses.
3. In Special Assemblies to be convened by the Grand Chief of the Assembly of Manitoba Chiefs at the request of the Executive Council to deal with issues of an emergency nature which otherwise cannot be dealt with expeditiously at the General Assemblies, depending upon the availability of funds for the Assembly Secretariat to cover the basic operational costs of hosting the Assembly. Chiefs will be responsible for their own travel and accommodation unless the Office of the Grand Chief secures additional funding to cover these unbudgeted expenses.

**ARTICLE 11**

9. The Executive Council shall meet a minimum of two times a year to provide direction on the decisions made by the Chiefs-in-Assembly and to make decisions on all issues that arise between Assemblies. The Assembly Secretariat shall cover the costs of these meetings, and attendance may be by way of teleconference.
11. The Executive Council can call special meetings by way of teleconference to deal with emergency matters.

**ARTICLE 18**

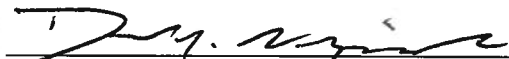
11. The Chiefs Committees shall each select a Chairperson from among their respective memberships. Meetings are to be held depending upon the availability of funds for such meetings.

**CERTIFIED COPY**

***of a Resolution Adopted***

***on July 9, 10, 11, 2013***

***Opaskwayak Cree Nation, Manitoba***



**Grand Chief Derek Nepinak**

**ASSEMBLY OF MANITOBA CHIEFS  
GENERAL CHIEFS ASSEMBLY  
OPASKWAYAK CREE NATION  
JULY 9, 10, 11, 2013**

**CERTIFIED RESOLUTION**

**JUL-13.04  
Page 1 of 2**

**RE: ASSEMBLY OF MANITOBA CHIEFS SUPPORT RED SUCKER LAKE  
FIRST NATION "NO FREE ENTRY" DECLARATION**

---

**Moved by:**

Chief Glenn Hudson  
Peguis First Nation

**Seconded by:**

Chief Michael Yellowback  
Manto Sipi Cree Nation

**3 ABSTENTIONS**

**CARRIED**

**WHEREAS**, after 30 years of drilling on Red Sucker Lake First Nation (RSLFN) Traditional Territory (current company: Mega Precious Metals Inc. since 2010) and without due consideration for the protection of the environment and community benefits, on April 13, 2013 the RSLFN citizens voted to stop all mineral exploration in their Traditional Territory. Subsequently, on July 1st the Chief and Council flew to Twin Lakes to post a "Stop Work Order" and "Eviction Notice";

**WHEREAS**, on July 3, 2013, Thompson, Dorfman, Sweatman, a law firm hired by Mega Precious Metals Inc. (MEGA) made an ex parte motion and got a court injunction on behalf of MEGA preventing RSLFN from trespassing at their project sites which encompasses a major hunting area. The court order also prevents anyone with knowledge of the court order including any person or organization from counselling or physically obstructing the project site. Furthermore, on July 5, 2013, most of the airlines servicing RSLFN were given notice not to assist RSLFN from accessing their traditional hunting area where the projects sites are located;

**WHEREAS**, the Government of Manitoba continues to ignore the spirit and intent of Treaties by imposing their narrow interpretation and promoting their paternalistic and colonial laws and policies which has limited First Nations resource equity sharing on our territories;

**WHEREAS**, RSLFN has a moratorium on resource development on their Traditional Territory and has declared "No Free Entry" on their Territory without first obtaining their Free, Prior and Informed Consent; and

**WHEREAS**, the Government of Manitoba has failed on the "Duty to Consult and Accommodate" by applying very bare minimum standards and goes against the "Honour of the Crown".

**THEREFORE BE IT RESOLVED**, the Chiefs-in-Assembly demand Manitoba immediately stop imposing their paternalistic and colonial laws and policies on Indigenous Sovereign Nations that violates First Nation Inherent and Treaty Rights, Customary Laws and *United Nations Declaration on Rights of Indigenous Peoples*.

**ASSEMBLY OF MANITOBA CHIEFS  
GENERAL CHIEFS ASSEMBLY  
OPASKWAYAK CREE NATION  
JULY 9, 10, 11, 2013**

**CERTIFIED RESOLUTION**

**JUL-13.04  
Page 2 of 2**

**RE: ASSEMBLY OF MANITOBA CHIEFS SUPPORT RED SUCKER LAKE  
FIRST NATION "NO FREE ENTRY" DECLARATION (cont'd)**

**BE IT FURTHER RESOLVED**, the Chiefs-in-Assembly demand Manitoba recognize and reconcile First Nation sovereignty and honour the spirit and intent of Treaties and desist from asserting jurisdiction on First Nation traditional lands without First Nation's Free, Prior, and Informed Consent.

**BE IT FURTHER RESOLVED**, the Chiefs-in-Assembly support RSLFN's "No Free Entry" declaration on mineral exploration and mining without First Nation consent.

**FURTHER BE IT RESOLVED**, the Chiefs-in-Assembly declare that Manitoba has failed RSLFN on the "Duty to Consult and Accommodate" and failed to reconcile the interests of RSLFN based on Customary Laws, and therefore must stop immediately mineral exploration on RSLFN traditional territory unless consent is obtained.

**FINALLY BE IT RESOLVED**, in the event that the RSLFN Chief and Council are imprisoned for defending their people's sovereignty, Treaty rights and traditional territory as directed by their Elders and community members, the Grand Chief and the Manitoba Chiefs will continue to advocate and offer political support on this issue.

**CERTIFIED COPY**

***of a Resolution Adopted***

***on July 9, 10, 11, 2013***

***Opaskwayak Cree Nation, Manitoba***

  
**Grand Chief Derek Nepinak**



**ASSEMBLY OF MANITOBA CHIEFS  
GENERAL CHIEFS ASSEMBLY  
OPASKWAYAK CREE NATION  
JULY 9, 10, 11, 2013**

**CERTIFIED RESOLUTION**

*JUL-13.05  
Page 1 of 2*

**RE: FRAMEWORK AGREEMENT INITIATIVE REVIEW AND SPECIAL  
ASSEMBLY ON LANDS AND RESOURCE PROTECTION**

---

**Moved by:**

Chief Phillip Buck  
Mosakahiken First Nation

**Seconded by:**

Councilor Rhonda Abraham  
Black River First Nation

**1 OPPOSED**

**CARRIED**

**WHEREAS**, on December 7, 1994 the Assembly of Manitoba Chiefs and Canada entered into an agreement entitled "The Dismantling of the Department of Indian Affairs and Northern Development, the Restoration of Jurisdictions to First Nations Peoples in Manitoba and Recognition of First Nations Governments in Manitoba" (the "Framework Agreement Initiative");

**WHEREAS**, the Framework Agreement Initiative ("F.A.I.") was based on 18 core principles and contained three objectives:

1. Dismantle the existing departmental structures of the Department of Indian Affairs Northern Development as they affect First Nations in Manitoba;
2. Develop and recognize First Nations Governments in Manitoba legally empowered to exercise the authorities required to meet the needs of the peoples of the First Nations; and
3. Restore First Nations governments and jurisdictions (including those of the other federal departments) consistent with the inherent right of self government.

**WHEREAS**, the F.A.I. process incorporated First Nation cultural and traditional concepts, philosophies and values by seeking the advice and assistance of First Nation Elders, cultural teachers, leaders and advisors;

**WHEREAS**, the Chiefs-in-Assembly were very involved in the F.A.I. process and passed over sixteen resolutions on a variety of issues, including that a comprehensive F.A.I. consultation strategy was to be developed and created with the assistance of First Nation community coordinators and the Chief and Councils and / or Tribal Councils, and that the F.A.I. process limited the participation of the Province of Manitoba to be determined by the Chiefs including not being a party to any negotiated agreement but by way of a double-bilateral agreement;

**WHEREAS**, by way of resolution JAN-06.03, the Chiefs-in-Assembly resolved to establish a F.A.I. Chiefs Review Committee consisting of three Southern and three Northern Chiefs;

**WHEREAS**, based on the conclusions of the F.A.I. Chiefs Review Committee, the Chiefs-in-Assembly resolved by way of resolution JAN-07.5 to discontinue the negotiations under the F.A.I. until Canada demonstrates political will and commitment to a new approach:

**ASSEMBLY OF MANITOBA CHIEFS  
GENERAL CHIEFS ASSEMBLY  
OPASKWAYAK CREE NATION  
JULY 9, 10, 11, 2013**

**CERTIFIED RESOLUTION**

*JUL-13.05  
Page 2 of 2*

**RE: FRAMEWORK AGREEMENT INITIATIVE REVIEW AND SPECIAL  
ASSEMBLY ON LANDS AND RESOURCE PROTECTION (cont'd)**

---

1. that proceeds on a nation to nation basis with negotiations occurring at the First Nation leadership and Ministerial level;
2. beyond the limitations of the federal Inherent Rights Policy;
3. that includes a new fiscal relationship consistent with the nation to nation approach;
4. in which the needs of First Nation people are paramount;
5. that provides for a level playing field;
6. that ensures consultation and decision making with First Nations at every stage of negotiations; and
7. continues to provide financial support for self-government research, development and negotiation support in anticipation of a renewed goodwill negotiation approach; and

**WHEREAS**, in June 2010 the AMC and Manitoba held a Roundtable on Consultation and Accommodation because the Chiefs-in-Assembly were concerned that Crown governments, industry and others continue to align against First Nations Treaty and Inherent Rights to our traditional territories and resources. Since that Roundtable, the Government of Manitoba has not followed up on what it promised and has not changed its actions and decisions to allow companies to continue to give companies access to First Nation traditional territories and resources.

**THEREFORE BE IT RESOLVED**, that a two-day AMC Special Assembly on land and resource protection from mining and development and government incursion be held during the current fiscal year. The purpose of this Special Assembly is to develop a strategy, plan and concrete action items on how to go forward.

**FINALLY BE IT RESOLVED**, that in preparation for and presentation at the Special Assembly, the AMC Grand Chiefs Office and Secretariat be directed to review the conditions of resolution JAN-07.5 to determine whether Canada now demonstrates political will and commitment to a new approach and continue the negotiations under the F.A.I.

**CERTIFIED COPY**

*of a Resolution Adopted*

*on July 9, 10, 11, 2013*

*Opaskwayak Cree Nation, Manitoba*

  
\_\_\_\_\_  
*Grand Chief Derek Nepinak*

**ASSEMBLY OF MANITOBA CHIEFS  
GENERAL CHIEFS ASSEMBLY  
OPASKWAYAK CREE NATION  
JULY 9, 10, 11, 2013**

**CERTIFIED RESOLUTION**

**JUL-13.06**

**RE: FIRST NATION EXCLUSIVE SOVEREIGNTY TO DEAL WITH TREATIES**

**Moved by:**

Chief Glenn Hudson  
Peguis First Nation

**WHEREAS**, the Crown entered treaties with First Nations based upon the respective sovereignty of each First Nation and their jurisdiction over their respective traditional territories and people;

**Seconded by:**

Proxy D'Arcy Linlater  
Nisichawayasihk Cree  
Nation

**WHEREAS**, the First Nations of Manitoba recognize that Nation-to-Nation Treaties between First Nations and the Crown are distinct and they have not delegated their sovereignty with respect to dealing with treaties to the Assembly of First Nations (AFN);

**CARRIED**

**WHEREAS**, the AFN as a political body cannot deal with Treaty Implementation without the express written consent and delegated representation from Treaty First Nations; and

**WHEREAS**, the AFN National Strategy on Treaty Implementation does not respect the position of the Treaty First Nations of Manitoba as it proposes to:

- Facilitate and coordinate meetings of the Chiefs Task Force on Treaty Implementation and Enforcement;
- Facilitate political engagement between First Nations and the federal government; and
- Establish a technical Senior Oversight Committee.

**THEREFORE BE IT RESOLVED**, that the Assembly of Manitoba Chiefs (AMC) Chiefs-in-Assembly affirm that the AFN does not have the authority to discuss the implementation of the treaties entered into by the First Nations of Manitoba, and that this authority rests exclusively with the Manitoba First Nations as represented by the successor Chiefs or respective First Nations Governments to the Treaties.

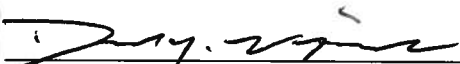
**FURTHER BE IT RESOLVED**, that the AFN does not have the authority to bind the Treaty First Nations of Manitoba or to carry out any activity related to the "Implementation" or "Enforcement" of the Treaty obligations without the express written consent from Treaty First Nations.

**FINALLY BE IT RESOLVED**, that the AMC Chiefs-in-Assembly do not support the AFN and the creation of the Chiefs Task Force on Treaty Implementation and Enforcement and determining steps to establish a working process for Treaty Implementation.

**CERTIFIED COPY**

***of a Resolution Adopted  
on July 9, 10, 11, 2013***

***Opaskwayak Cree Nation, Manitoba***

  
\_\_\_\_\_  
***Grand Chief Derek Nepinak***

**ASSEMBLY OF MANITOBA CHIEFS  
GENERAL CHIEFS ASSEMBLY  
OPASKWAYAK CREE NATION  
JULY 9, 10, 11, 2013**

**CERTIFIED RESOLUTION**

**JUL-13.08**

**RE: INTERIM MANITOBA FIRST NATIONS HEALTH INCORPORATED  
ENTITY TO PURSUE TRIPARTITE COLLABORATION FOR A  
UNIFIED HEALTH SYSTEM**

---

**Moved by:**

Chief Barry Swan  
Lake Manitoba Treaty 2  
First Nation

**WHEREAS**, the AMC Grand Chief's Office and Secretariat have completed the activities to implement the Jul-11.04 resolution to initiate tri-partite discussions on the shared Vision for a Unified Health System in Manitoba;

**Seconded by:**

Chief Walter Spence  
Fox Lake Cree Nation

**WHEREAS**, Chiefs-in-Assembly directed AMC Grand Chief to secure the necessary funding to support the activities outlined in the Manitoba First Nations Health Renewal Strategy, resolution Jun-12.01, for a Unified Health System;

**CARRIED**

**WHEREAS**, the Government of Canada has initiated uncompromising funding cuts and is capping funding to Provincial Territorial Organizations, Tribal Councils and First Nations. This may lead to a requirement to amalgamate funding. The effect of this for the AMC Secretariat will be the amalgamation of Health and Social Funding with all other funding. In order to prevent this, AMC needs to create a new legal entity in order to provide for separate contributions specific to health and social resourcing; and

**WHEREAS**, AMC has secured a commitment from the Provincial Minister of Health to move forward on a development phase for the development of a Unified Health System in Manitoba and an interim Manitoba First Nations Health entity that will assist in pursuing this joint goal and protect health specific funding.

**THEREFORE BE IT RESOLVED**, that the Chiefs in Assembly approve the following interim corporate entity:

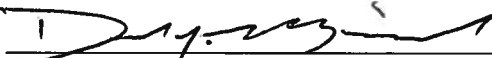
**Manitoba First Nations Interim Health Secretariat** (with Chiefs in Assembly as membership of incorporated entity and Chiefs Task Force on Health to be the Board of Directors).

**CERTIFIED COPY**

*of a Resolution Adopted*

*on July 9, 10, 11, 2013*

*Opaskwayak Cree Nation, Manitoba*

  
\_\_\_\_\_  
**Grand Chief Derek Nepinak**

**ASSEMBLY OF MANITOBA CHIEFS  
GENERAL CHIEFS ASSEMBLY  
OPASKWAYAK CREE NATION  
JULY 9, 10, 11, 2013**

**CERTIFIED RESOLUTION**

**JUL-13.09  
Page 1 of 2**

**RE: REJECTION OF CANADA COMMON FUNDING ARRANGEMENTS &  
STRATEGY FOR ALTERNATIVE CONTRIBUTION AGREEMENTS**

**Moved by:**

Chief Walter Spence  
Fox Lake Cree Nation

**WHEREAS**, the Government of Canada is pursuing joint AANDC and Health Canada Common Funding Arrangements (CCFA) with First Nations across Canada;

**Seconded by:**

Chief Barry Swan  
Lake Manitoba Treaty 2  
Cree Nation

**WHEREAS**, First Nations, Tribal Councils and Provincial Territorial Organizations and their organizations have expressed serious concerns about the proposed CCFA, which has been developed without any consultation or input from First Nations, and does not meet the Supreme Court of Canada minimum requirements for the Crown's Duty to Consult and Accommodate;

**CARRIED**

**WHEREAS**, the Government of Canada is supporting other First Nation organizations and engaging select Aboriginal organizations to review and recommend alternate funding arrangements, inclusive of an AFN appointed fiscal working group and the Aboriginal Financial Officers Association;

**WHEREAS**, the proposed CCFA exploits the disadvantaged situations of First Nations communities by determining the nature and scope of programs and services and imposing excessive and onerous conditions and controls while evading federal responsibility and accountability to First Nations;

**WHEREAS**, the proposed CCFA presumes that First Nations and their councils agree to all references to "legislation and particular government publications" that are in force or issued at the time of such Agreement and include "any subsequent amendments or replacements thereof" (s.14.14.1);

**WHEREAS**, schedules to the proposed CCFA include over fifty references to policies, manuals, guidelines, etc. "being amended from time to time", and presume that First Nations agree to such future amendments without any knowledge of their nature of scope;

**WHEREAS**, section 35 of the *Constitution Act, 1982* recognizes and affirms existing Treaty and Aboriginal rights, and section 36 of the *Constitution Act, 1982* affirms that Parliament and the Legislatures together with the Government of Canada and the provincial governments are committed to promoting equal opportunities and providing essential public services or reasonable quality to all;

**WHEREAS**, the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) is a international human rights instrument that was adopted by the United Nations General Assembly on September 13, 2007, and formally endorsed by the Assembly of Manitoba Chiefs by way of resolution Jul-10.01, and formally endorsed by the Government of Canada in November 2010;

.../2

**ASSEMBLY OF MANITOBA CHIEFS  
GENERAL CHIEFS ASSEMBLY  
OPASKWAYAK CREE NATION  
JULY 9, 10, 11, 2013**

**CERTIFIED RESOLUTION**

**JUL-13.09  
Page 2 of 2**

**RE: REJECTION OF CANADA COMMON FUNDING ARRANGEMENTS &  
STRATEGY FOR ALTERNATIVE CONTRIBUTION AGREEMENTS (cont'd)**

**WHEREAS**, Article 19 of the UNDRIP affirms that 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; and

**WHEREAS**, the proposed CCFA is inconsistent with the UNDRIP and with the Crown's obligations under the Constitution of Canada.

**THEREFORE BE IT RESOLVED**, that the Chiefs-in-Assembly directs the Grand Chief to act in accordance with the November 2011 Political Unity Accord, and meet with the Grand Chiefs of MKO and SCO to agree to work together to develop a collective Manitoba First Nations strategy to find an alternative to the proposed CCFA.

**FURTHER BE IT RESOLVED**, the AMC Chiefs-in-Assembly advocates each First Nation take immediate action to write the Prime Minister indicating that the proposed CCFA is unacceptable because it undermines the inherent, constitutional and human rights of First Nations in Canada, and does not meet the minimum standard of the Supreme Court of Canada ordered "Duty to Consult and Accommodate".

**FURTHER BE IT RESOLVED**, the AMC Chiefs-in-Assembly urges the Government of Canada take action to ensure any funding agreement spell out the accountability of the Crown to the First Nations, which has been absent, so that the Crown will provide accountability (for example: intervention policies; ministerial response to reporting, late funding schedules and implementation; lack of training; and other related gaps in the responsibilities of the Government of Canada to First Nations).

**FINALLY BE IT RESOLVED**, the AMC Chiefs-in-Assembly calls on the Government of Canada to withdraw the proposed CCFA and immediately undertake meaningful consultation for bilateral development of new funding arrangements that upholds the Honour of Crown.

**CERTIFIED COPY**

***of a Resolution Adopted***

***on July 9, 10, 11, 2013***

***Opaskwayak Cree Nation, Manitoba***

  
***Grand Chief Derek Nepinak***

**ASSEMBLY OF MANITOBA CHIEFS  
GENERAL CHIEFS ASSEMBLY  
OPASKWAYAK CREE NATION  
JULY 9, 10, 11, 2013**

**CERTIFIED RESOLUTION**

**JUL-13.11**

**RE: NON-INSURED HEALTH BENEFITS PROGRAM PAYER OF LAST RESORT  
POLICY**

---

**Moved by:**

Chief Barry Swan  
Lake Manitoba Treaty 2  
First Nation

**Seconded by:**

Chief Walter Spence  
Fox Lake Cree Nation

**CARRIED**

**WHEREAS**, the Non-Insured Health Benefits (NIHB) program is Health Canada's national medically necessary health benefit program that provides coverage for benefit claims for a specific range of services including drugs, dental care, vision care, medical supplies and equipment, short-term intervention for mental health counseling and medical transportation for eligible First Nations and Inuit;

**WHEREAS**, the NIHB was put into place to create a comparable health care coverage for First Nations people;

**WHEREAS**, the federal government maintains the position that health care is provided to First Nations people as a matter of policy and not a legal or treaty obligation. First Nations assert that health benefits are an Inherent Aboriginal and Treaty Right and are constitutionally protected;

**WHEREAS**, the NIHB program has various principles including 'Payer of Last Resort' (POLR). POLR policy describes the position of the prospective payer, in this case Health Canada, such that it will only pay if all other available sources such as other insurance plans have been exhausted; and

**WHEREAS**, the implications of the POLR policy has resulted in cost management measures including changes to eligibility for benefits, denials of NIHB benefits, putting the health of the First Nations individual at risk.

**THEREFORE BE IT RESOLVED** that the AMC Chiefs-in-Assembly call for an independent comprehensive review of the NIHB program.

**BE IT FURTHER RESOLVED**, that Health Canada issue an immediate moratorium on any changes to the NIHB program until a comprehensive review and recommendations are discussed and agreed to with First Nations.

**FINALLY BE IT RESOLVED**, that Health Canada dissolve their policy as Payer of Last Resort and become the Payer of First Resort.

**CERTIFIED COPY**

*of a Resolution Adopted*

*on July 9, 10, 11, 2013*

*Opaskwayak Cree Nation, Manitoba*



**Grand Chief Derek Nepinak**

**ASSEMBLY OF MANITOBA CHIEFS  
GENERAL CHIEFS ASSEMBLY  
OPASKWAYAK CREE NATION  
JULY 9, 10, 11, 2013**

**CERTIFIED RESOLUTION**

*JUL-13.12  
Page 1 of 2*

**RE: MANITOBA'S FAILURE ON THE DUTY TO CONSULT AND  
MORATORIUM ON RESOURCE DEVELOPMENT IN THE ISLAND LAKE  
REGION**

---

**Moved by:**

Chief Eugene Wood  
St. Theresa Point First  
Nation

**Seconded by:**

Chief Buddy Beardy  
Garden Hill First Nation

**1 OPPOSED  
1 ABSTENTION**

**CARRIED**

**WHEREAS**, many permits, licenses and other land dispositions relating to resources and commercial development are consistently granted by the Province of Manitoba to major companies on First Nation traditional and ancestral lands without meaningful consultation and accommodation, and, when there is a Crown First Nation consultation, the Province of Manitoba applies minimal standards on the duty to consult;

**WHEREAS**, the province of Manitoba contemplates ways to circumvent First Nations Inherent and Treaty Rights by retaining consultants or setting up advisory committees that potentially compromises First Nations positions as a collective;

**WHEREAS**, St Theresa Point First Nation, Wasagamack First Nation, Garden Hill First Nation and Red Sucker Lake First Nation have expressed ongoing concern and have taken action to halt mineral resource development on traditional and ancestral lands by way of an Island Lake General Assembly Resolution 2013;

**WHEREAS**, First Nation lands have also been expropriated for various uses including right of ways through Section 35 of the *Indian Act* (taking of lands by the Crown, corporations and local authorities);

**WHEREAS**, First Nations are concerned about the protection of the environment and continued loss of both reserve and traditional and ancestral lands held for their collective use; and

**WHEREAS**, the Roundtable on Crown – First Nation Consultation & Accommodation in June 2010 called for a joint Manitoba – First Nations Committee to work on Manitoba's consultation policy and guidelines and to formulate a Working Group to develop policy on resource revenue sharing and review the *Mines and Minerals Act*.

**THEREFORE BE IT RESOLVED**, the AMC Chiefs-in-Assembly give its full political support to the Island Lake First Nations of St Theresa Point First Nation, Wasagamack First Nation, Garden Hill First Nation and Red Sucker Lake First Nation in their call for a moratorium on all mineral development activities on their traditional and ancestral territory until the Province of Manitoba obtains First Nations Free, Prior and Informed Consent and undergoes adequate consultation and accommodation.

**FURTHER BE IT RESOLVED**, that the AMC Chiefs-in-Assembly direct the Grand Chief to call a meeting with the Province of Manitoba to reactivate and fulfill the activities identified in the Roundtable on Crown-First Nation Consultation & Accommodation.

.../2



**ASSEMBLY OF MANITOBA CHIEFS  
GENERAL CHIEFS ASSEMBLY  
OPASKWAYAK CREE NATION  
JULY 9, 10, 11, 2013**

**CERTIFIED RESOLUTION**

**JUL-13.12  
Page 2 of 2**

**RE: MANITOBA'S FAILURE ON THE DUTY TO CONSULT AND  
MORATORIUM ON RESOURCE DEVELOPMENT IN THE ISLAND LAKE  
REGION (cont'd)**

---

**FINALLY BE IT RESOLVED**, the Chiefs-in-Assembly opposes the proposed provincial "Advisory Committee on Mining" that serves to promote only industry's interests through existing provincial laws, regulations and policies.

**CERTIFIED COPY**

***of a Resolution Adopted***

***on July 9, 10, 11, 2013***

***Opaskwayak Cree Nation, Manitoba***

  
***Grand Chief Derek Nepinak***