

# **ASSEMBLY OF MANITOBA CHIEFS CHIEFS ASSEMBLY**



**CERTIFIED COPIES  
OF  
ADOPTED RESOLUTIONS**

Dakota Tipi First Nation  
November 28 & 29, 2017

**ASSEMBLY OF MANITOBA CHIEFS**  
**General Chiefs Assembly**  
**Dakota Tipi Gaming Centre**  
**Dakota Tipi First Nation, Manitoba**  
**November 28 & 29, 2017**

**CERTIFIED RESOLUTIONS**

NOV-17.01	Canada-First Nations Fiscal Relations
NOV-17.02	Memorandum of Understanding between the AMC and Canada on Child Welfare
NOV-17.03	Teacher Training and Education Human Resources Strategy
NOV-17.04	Framework on the Duty to Consult and Accommodate
NOV-17.05	AMC Chiefs Committee on Education
NOV-17.06	Treaty Education Initiative
NOV-17.07	Manitoba First Nations Approach to Legalized Cannabis

**ASSEMBLY OF MANITOBA CHIEFS  
GENERAL CHIEFS ASSEMBLY  
Dakota Tipi First Nation  
Dakota Tipi, Manitoba  
November 28 & 29, 2017**

**CERTIFIED RESOLUTION**

**NOV-17.01  
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**RE: CANADA – FIRST NATIONS FISCAL RELATIONS**

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**WHEREAS**, Manitoba First Nations possess inherent rights and jurisdiction that allow for them to develop their own economies and enter into Treaties and agreements including funding arrangements; and

**WHEREAS**, the *United Nations Declaration on the Rights of Indigenous Peoples* states:

- Article 3      Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
  
- Article 4      Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
  
- Article 5      Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State; and

**WHEREAS**, the Department of Indigenous and Northern Affairs Canada unilaterally imposed 2 percent funding cap and INAC also has unfairly imposed its *Default Prevention and Management Policy* that has resulted in Manitoba being the INAC Region with the highest number of First Nations in intervention, and Manitoba is over represented in every area of intervention; and

**WHEREAS**, on December 7, 1994 the AMC 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” or “FAI”). The FAI committed Canada and the AMC to a 10-year negotiation process aimed at achieving a self-government agreement for First Nations in Manitoba. Among other things, FAI negotiations included fiscal relations and First Nations citizenship; and

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**RE: CANADA – FIRST NATIONS FISCAL RELATIONS (cont'd)**

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**WHEREAS**, in 2007 the AMC Chiefs-in-Assembly passed resolution JAN-07.05 that discontinued the negotiations under the FAI until Canada demonstrates political will and commitment to a new approach:

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

**WHEREAS**, Canada has committed to seek a new fiscal relationship with the nation to nation approach and has clearly demonstrated political will and commitment to a new approach to negotiating with First Nations; and

**WHEREAS**, at the November 14-15, 2017 AMC Regional Engagement on Fiscal Relations, Chiefs in attendance identified a number of issues regarding fiscal relations, including the need to have a regional approach to fiscal relations that includes dealing with chronic underfunding and the socio-economic gap between First Nations and non-First Nation citizens, over-representation of Manitoba First Nations under INAC *Default Prevention and Management Policy* and First Nations citizenship.

**THEREFORE BE IT RESOLVED**, that the Chiefs in Assembly create a Manitoba Regional Specific Fiscal Relations Table to develop a new fiscal relationship between Canada and Manitoba First Nations that will deal with the chronic underfunding and the socio-economic gap between First Nations and non-First Nation citizens, the over-representation of Manitoba First Nations under INAC *Default Prevention and Management Policy*, and First Nations citizenship.

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**RE: CANADA – FIRST NATIONS FISCAL RELATIONS (cont'd)**

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**FURTHER BE IT RESOLVED**, that the AMC Chiefs Committee on Treaties and Self-determination be mandated to facilitate the development of regional specific fiscal relations tables and working groups, and be mandated to ensure all Manitoba First Nations are informed and involved in the negotiations.

**FINALLY BE IT RESOLVED**, that the AMC Grand Chief is directed to give notice to Canada that the AMC wishes to recommence negotiations on a new fiscal relationship.

**CERTIFIED COPY  
of a Resolution Adopted  
on November 28 & 29, 2017  
Dakota Tipi First Nation, Manitoba**



**Grand Chief Arlen Dumas**

**ASSEMBLY OF MANITOBA CHIEFS  
GENERAL CHIEFS ASSEMBLY  
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November 28 & 29, 2017**

**CERTIFIED RESOLUTION**

**NOV-17.02  
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**RE: MEMORANDUM OF UNDERSTANDING BETWEEN THE AMC AND CANADA  
ON CHILD WELFARE**

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**WHEREAS**, First Nations have and continue to possess the inherent jurisdiction over our children and families; and

**WHEREAS**, the 1991 Aboriginal Justice Inquiry (AJI) Report recommended the transfer of Child and Family Services (CFS) to First Nations. First Nations would take control of their own child welfare devoted to rebuilding families and supporting children through cultural ways, involving community and parents and increased funding and training; and

**WHEREAS**, on December 7, 1994, the AMC and Canada entered into an agreement on “*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).” This included child welfare and led to the AJI-Child Welfare Initiative; and

**WHEREAS**, in 2003 the Province of Manitoba passed the *Child and Family Services Authorities Act*. This is simply “delegated authority” from the Province to CFS Authorities, with Manitoba First Nations CFS Agencies operating under punitive and discriminatory “borrowed” Provincial legislation that does not serve and will not serve the best interests of First Nations children, families and communities; and

**WHEREAS**, on January 25, 2007, the AMC “discontinued” negotiations on the Framework Agreement Initiative until Canada demonstrates the political will and commitment to a new approach that among other things, proceeds on a Nation-to-Nation basis with negotiations occurring at the First Nation and ministerial level, and, goes beyond the limitations of Canada’s Inherent Rights Policy; and

**WHEREAS**, in June 2014 at the AMC Special Chiefs Assembly, Manitoba Chiefs endorsed and adopted the ten recommendations presented in *Bringing Our Children Home: Summary Report on the Outcomes of the Open Citizens Forum and Recommendations for Leadership Consideration*. This included mandating the AMC Secretariat to develop a work plan to transform the child welfare system and to take back First Nations child welfare jurisdiction from the province, thereby returning it to AMC/Manitoba First Nations, where it rightfully belongs; and

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**RE: MEMORANDUM OF UNDERSTANDING BETWEEN THE AMC AND CANADA  
ON CHILD WELFARE (cont'd)**

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**WHEREAS** Canada now commits to work with First Nations people to renew a Nation-to-Nation relationship based on recognition, respect, cooperation, and partnerships; and

**WHEREAS**, on September 13, 2017, the AMC Executive Council of Chiefs (ECC) reviewed and approved the Keewaywin Engagement Manitoba First Nations CFS Reform and Jordan's Principle (JP) Implementation Reports and their recommendations, including the recommendation that a work plan be developed to proceed with FNCFS Program reform and JP implementation, both of which the Women's Council will oversee; and

**WHEREAS**, representatives from the AMC and Canada have drafted a "*Memorandum of Understanding between the Assembly of Manitoba Chiefs as represented by its Grand Chief "AMC" and the Minister of Crown-Indigenous Relations and Northern Affairs ("Canada") and Minister of Indigenous Services ("Canada")*". The MOU will seek improve the wellbeing of First Nations children, youth and families within the context of child and family services. The objectives of the discussion includes developing a governance model for child and family services which confers more independence and control on First Nations in order to improve their conditions as compared to other Manitoba and Canadian communities.

**THEREFORE BE IT RESOLVED**, the Chiefs-in-Assembly support the Grand Chiefs' efforts to engage Canada in a process to work with Manitoba First Nations to renew a Nation-to-Nation and Government-to-Government relationship including inherent jurisdiction in the area of families and children.

**FURTHER BE IT RESOLVED**, Chiefs-in-Assembly agreed to enter into the "*Memorandum of Understanding between the Assembly of Manitoba Chiefs as represented by its Grand Chief "AMC" and the Minister of Crown-Indigenous Relations and Northern Affairs ("Canada") and Minister of Indigenous Services ("Canada")*" and authorize the AMC Grand Chief to sign it on behalf of the AMC.

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**ASSEMBLY OF MANITOBA CHIEFS  
GENERAL CHIEFS ASSEMBLY**

***Dakota Tipi First Nation  
Dakota Tipi, Manitoba  
November 28 & 29, 2017***

**CERTIFIED RESOLUTION**

**NOV-17.02**

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**RE: MEMORANDUM OF UNDERSTANDING BETWEEN THE AMC AND CANADA  
ON CHILD WELFARE (cont'd)**

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**FINALLY BE IT RESOLVED**, that the Chiefs-in-Assembly direct the Grand Chief's Office to advocate for adequate resources to engage Manitoba First Nations in the restoration of First Nations' jurisdiction in the area of families and children, including reform of the federal First Nations Child and Family Services Program and other issues related to First Nation child and family services.

**CERTIFIED COPY**

***of a Resolution Adopted***

***on November 28 & 29, 2017***

***Dakota Tipi First Nation, Manitoba***



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**Grand Chief Arlen Dumas**



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November 28 & 29, 2017**

**CERTIFIED RESOLUTION**

**NOV-17.03  
Page 1 of 1**

**RE: TEACHER TRAINING OF EDUCATION HUMAN RESOURCES STRATEGY**

**WHEREAS**, some First Nations have had difficulty in recruiting and retaining teachers, especially in northern and isolated First Nations communities; and

**WHEREAS**, many First Nations educators in Manitoba have retired or are nearing retirement age; and

**WHEREAS**, some schools delayed the beginning of their academic year because of the lack of teachers.

**THEREFORE BE IT RESOLVED**, that the Assembly of Manitoba Chiefs Secretariat be directed to work with the MFNERC and non-MFNERC member First Nations to develop a 10-year Education Human Resource Strategy to address teacher training and recruitment; and

**FINALLY BE IT RESOLVED**, that the 10-year Education Human Resources Strategy be presented at the next AMC Chiefs-in-Assembly.

**CERTIFIED COPY  
of a Resolution Adopted  
on November 28 & 29, 2017  
Dakota Tipi First Nation, Manitoba**



**Grand Chief Arlen Dumas**

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**CERTIFIED RESOLUTION**

**NOV-17.04  
Page 1 of 2**

**RE:    FRAMEWORK ON THE DUTY TO CONSULT AND ACCOMMODATE**

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**WHEREAS**, the Crown has a legal duty to engage in meaningful consultation whenever it has reason to believe that its policies or actions, directly or indirectly, might infringe upon actual or claimed First Nations interests, rights, or title and Treaty Rights; and

**WHEREAS**, the United Nations Declaration on the Rights of Indigenous Peoples states:

- Article 18:     Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision making institutions.
- Article 19:     States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them; and

**WHEREAS**, in the *Haida and Taku River* decision in 2004, and the *Mikisew Cree* decision in 2005, the Supreme Court of Canada held that the Crown has a duty to consult and, where appropriate, accommodate when the Crown contemplates conduct that might adversely impact potential or established Aboriginal or Treaty rights. The duty has been applied to an array of Crown actions and in relations to a variety of potential or established Aboriginal and Treaty rights; and

**WHEREAS**, in 2005, AMC developed a discussion paper entitled, "*Indigenous Peoples' Right to Free, Prior and Informed Consent (First Nations of Manitoba) versus Canada's Approach on Consultation and Accommodation*" in contemplation of development of consultation policies by federal and provincial governments. This paper: (1) outlines key principles of consultation; (2) presents a framework that meets relevant articles for Indigenous Rights to Land and Resources within emerging international law and standards; and (3) outlines an approach that is meaningful and constructed in the context of equality and respect from relevant parties, especially in light of 2004 Supreme Court of Canada rulings in *Haida* and *Taku* cases. As well, Manitoba First Nations have community-specific approaches to consultation and accommodation; and

**WHEREAS**, in 2007, the Province of Manitoba began drafting its "*Policy and Guidelines for Crown Consultations with Aboriginal Communities*" and invited AMC to provide feedback.

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**CERTIFIED RESOLUTION**

**NOV-17.04  
Page 2 of 2**

**RE: FRAMEWORK ON THE DUTY TO CONSULT AND ACCOMMODATE (cont'd)**

**WHEREAS**, in 2010 the AMC held a regional roundtable on consultation and accommodation and identified some basic principles as it relates to the duty to consult:

- Preservation of First Nation decision making authority over their traditional territories, recognition of traditional customary laws and local First Nations protocols;
- Establishment of financial capacity and resources to develop a framework for shared lands and resource decision making and negotiations engagement;
- Establishment and support of acceptable arrangements and ensure revenue sharing; and
- Establishment of dispute resolution process.

**WHEREAS**, in 2017, the Supreme Court of Canada's decisions in *Hamlet of Clyde River (Hamlet) v Petroleum Geo-Services Inc. (Clyde River)* and *Chippewas of the Thames First Nation v Enbridge Pipelines Inc. (Chippewas)* confirmed the ability of governments to rely on regulatory processes to fulfill the Crown's duty to consult with Indigenous groups, including in cases where the Crown itself is not involved in the process. While the decisions largely confirm previously established legal principles, they also provide clear guidance on what practices will and will not be sufficient to meet Indigenous consultation requirements when navigating the regulatory approval process; and

**WHEREAS**, the Minister of Manitoba Indigenous and Northern Relations has requested AMC to facilitate discussions on Manitoba's Duty to Consult Framework.

**THEREFORE BE IT RESOLVED**, that the Chiefs-in-Assembly develop a framework for consultation that requires Free, Prior and Informed Consent with First Nations, subject to adequate funding.

**CERTIFIED COPY**  
***of a Resolution Adopted***  
***on November 28 & 29, 2017***  
***Dakota Tipi First Nation, Manitoba***



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**Grand Chief Arlen Dumas**

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**CERTIFIED RESOLUTION**

**NOV-17.05  
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**RE: AMC CHIEFS COMMITTEE ON EDUCATION**

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**WHEREAS**, the Constitution of the Assembly of Manitoba Chiefs under Article 18 (7) identifies a standing Chiefs Committee on Education; and

**WHEREAS**, Resolution No. 5/88 *Chiefs Committee on Education-Structure, Mandate, Activities, Composition* that resolved:

- The function of the Chiefs Committee and Technical Task Force shall be provide a mechanism for coordinated and collective efforts by the First Nations of Manitoba to address and advance the objectives of First Nations education;
- The technical Task Force shall advise and assist and be accountable to the Chiefs Committee on Education;
- The Chiefs Committee shall take direction from and be accountable to the Assembly of Manitoba Chiefs and its Interim mandated organization; and

**WHEREAS**, the Chiefs Committee on Education has been inactive for a number of years.

**THEREFORE BE IT RESOLVED**, the Chiefs-in-Assembly revive the Chiefs Committee on Education to work on, among other things, a Manitoba Regional First Nations Education Agreement.

**CERTIFIED COPY  
of a Resolution Adopted  
on November 28 & 29, 2017  
Dakota Tipi First Nation, Manitoba**

  
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**Grand Chief Arlen Dumas**

**ASSEMBLY OF MANITOBA CHIEFS**  
**GENERAL CHIEFS ASSEMBLY**  
*Dakota Tipi First Nation*  
*Dakota Tipi, Manitoba*  
*November 28 & 29, 2017*

**CERTIFIED RESOLUTION**

**NOV-17.06**  
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**RE: TREATY EDUCATION INITIATIVE**

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**WHEREAS**, the Assembly of Manitoba Chiefs (AMC) Resolution *Mar-10.04 Mandatory Education Curriculum on Treaties for Students in All Schools in Manitoba* called for Treaty Education to be offered to all students in Manitoba from Kindergarten to Grade 12 (K- 12) as a means of ensuring that the opportunity to learn about Treaties and the Treaty relationship is extended to all students; and,

**WHEREAS**, AMC Resolution *SEPT-16.05 Mandatory Requirement of a Manitoba High School Course on Treaties and the Treaty Relationship* - calls for a mandatory new course for Grade 12 to be included for all students as a core requirement for graduation, “*that the Assembly of Manitoba Chiefs lobby the Province of Manitoba to make the proposed new course a requirement for Grade 12 graduation for all students in Manitoba*”; and,

**WHEREAS**, AMC Resolution *JUL-17.02 High School Course – History of Canada to include Treaties and the Treaty Relationship* called for revision of the Grade 11 History of Canada course to include Treaties and the Treaty Relationship; and,

**WHEREAS**, the Government of Manitoba’s Speech from the Throne on November 21, 2017 outlined the provincial government’s commitment to “*work with the Assembly of Manitoba Chiefs and the Treaty Relations Commissioner of Manitoba to implement the treaty education initiative.*”

**THEREFORE BE IT RESOLVED**, that the AMC Chiefs-in-Assembly direct the AMC to work in partnership with the Treaty Relations Commission of Manitoba (TRCM) to develop a 5-year implementation plan and budget for costs related to implementation of the Treaty Education Initiative (printing, speakers’ fees, training facilities, Elders’ honoraria, other coordination costs).

**FURTHER BE IT RESOLVED**, that the follow-up meetings be held between AMC Grand Chief, the TRCM Treaty Commissioner and the Minister of Education and Training to discuss the implementation of the Treaty Education Initiative.

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**CERTIFIED RESOLUTION**

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**RE: TREATY EDUCATION INITIATIVE (cont'd)**

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**FINALLY BE IT RESOLVED**, that Regular updates on the Implementation of the Treaty Education Initiative be provided to the AMC Chiefs-in-Assembly.

**CERTIFIED COPY  
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**Grand Chief Arlen Dumas**

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**CERTIFIED RESOLUTION**

**NOV-17.07  
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**RE: MANITOBA FIRST NATIONS APPROACH TO LEGALIZED CANNABIS**

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**WHEREAS**, Manitoba First Nations have inherent jurisdiction over economic development initiatives, both federally and provincially, and possess the authority to manage production, licensing and distribution of legalized cannabis; and

**WHEREAS**, the federal and provincial government's must recognize the sovereignty and respect jurisdiction on reserves; and

**WHEREAS**, in April 2017, the federal government introduced *Bill C-45 an Act respecting cannabis and to amend the Controlled Drugs and Substances Act* that, if passed, starting in July 2018 would legalize and regulate recreational cannabis in Canada, and would create rules for producing, using and selling cannabis across Canada; and

**WHEREAS**, the Manitoba government has unveiled a hybrid public and private sector retail and distribution model that will give the Liquor and Gaming Authority (LGA) an expanded mandate to regulate the purchase, storage, distribution and retail of cannabis, and will mandate the Manitoba Liquor and Lotteries Corporation (MBLL) to secure and track the supply of cannabis sold in Manitoba, while the private sector will operate all retail locations; and

**WHEREAS**, the Province of Manitoba does not have a policy position on cannabis relating specifically to First Nations.

**THEREFORE BE IT RESOLVED**, the Chiefs-in-Assembly direct the Grand Chief of the AMC to inform Manitoba that a unilateral approach to its policy on legalized cannabis does not apply to First Nations; and

**FURTHER BE IT RESOLVED**, Manitoba First Nations must be involved in federal and provincial policies relating to the design of licensing, production, distribution, and sale of legalized cannabis; and

**FURTHER BE IT RESOLVED**, that the Chiefs-in-Assembly revive the Chiefs Committee on Economic Development that will work on a Manitoba First Nations approach to the federal and provincial policy on legalized cannabis; and

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**CERTIFIED RESOLUTION**

**NOV-17.07  
Page 2 of 2**

**RE: MANITOBA FIRST NATIONS APPROACH TO LEGALIZED CANNABIS  
(cont'd)**

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**FURTHER BE IT RESOLVED**, that the Chiefs Committee on Economic Development consider developing a rebate program that will benefit First Nations and consider how to best to develop awareness, prevention, and treatment programs for First Nations in Manitoba; and

**FINALLY BE IT RESOLVED**, that First Nations Inuit Health Branch add medical marijuana to the Drug Benefit List.

**CERTIFIED COPY  
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Dakota Tipi First Nation, Manitoba**



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**Grand Chief Arlen Dumas**