



BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS

507 – 100 Park Royal
West Vancouver, BC V7T 1A2
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BCAFN 10th SPECIAL CHIEFS' ASSEMBLY
Sheraton Wall Centre — Vancouver, BC
November 26, 2013

DRAFT Resolution 04/2013

SUBJECT: CONTINUED SUPPORT FOR THE ABORIGINAL SKILLS EMPLOYMENT TRAINING STRATEGY (ASETS)

MOVED BY: CHIEF NELSON LEON, ADAMS LAKE INDIAN BAND

SECONDED BY: CHIEF DALTON SILVER, SUMAS FIRST NATION

DECISION: CARRIED BY CONSENSUS

WHEREAS:

- A. The Aboriginal Employment Skills Training Strategy (ASETS) is a five-year, \$1.6 billion National Federal Strategy to provide and deliver employment and training services to First Nations across Canada;
- B. There are currently 14 ASETS located throughout British Columbia;
- C. The *United Nations Declaration on the Rights of Indigenous Peoples* affirms:

Article 21(1): Indigenous Peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security; and,

Article 21(2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities;

- D. Since 2010 Aboriginal Human Resources Development Agreements were continued into an Aboriginal Skills Employment and Training Strategy;
- E. The BC First Nation Human Resource Council serves as a technical group to support First Nations in BC in the areas of employment and training;

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- F. ASETS agreements are demand driven and focus on skills development, fostering partnership with employers, industry, municipalities, and regional, provincial and national economic development sectors;
- G. The objectives of ASETS include: creating job opportunities for community members, improving training accessibility and opportunities for multiple barrier clients, developing long strategies and approaches to meet labour market demands and building equitable relationships with governments, communities and industry sectors; and,
- H. ASETS agreements will terminate March 31, 2015 and the Federal Government through the Department of Employment and Social Development Canada is currently seeking a renewed mandate for Aboriginal labour market programming through Cabinet submission in early 2014.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs in Assembly continue to support the BC First Nation Human Resource Council and the 14 Aboriginal Skills, Employment and Training Strategy (ASETS) holders in their ongoing negotiations with the Federal Government over their renewal of their ASETS agreements;
2. The Chiefs in Assembly directs the Regional Chief to work with like-minded organizations to advocate on behalf of First Nation communities in BC for increased funding for Aboriginal Skills, Employment and Training, as funding in this area has not increased since 1999; and,
3. The Chiefs in Assembly continue to advocate on behalf of the ASETS program as it supports First Nations youth, elders, multiple barrier, undereducated and unskilled workers as well as supporting children ages 0 to 6 who are under the First Nations and Inuit Child Care funding.

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BCAFN 10th SPECIAL CHIEFS' ASSEMBLY
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DRAFT Resolution 05/2013

SUBJECT: CANADA'S PROPOSAL FOR A FIRST NATIONS EDUCATION ACT

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: CHRIS LEWIS, PROXY FOR SQUAMISH FIRST NATION

DECISION: CARRIED BY CONSENSUS

WHEREAS:

- A. First Nations in BC have worked collectively for over two decades to create a strong, responsive BC First Nations Education System that is accountable and community-based. The system is recognized by Canada and BC in a Tripartite Education Framework Agreement (TEFA), and in the Education Jurisdiction Framework Agreements (EJFA) and accompanying federal and provincial legislation ("BC Agreements");
- B. The BC First Nations Education System requires a solid commitment to needs-based funding that includes language, culture and technology to ensure the System is relevant and supports improved learner outcomes and the System requires an appropriate funding agreement to support the full implementation of the EJFA;
- C. Canada's Proposal for a First Nations Education Act (the "Proposal"), released for discussion on October 22, 2013, must be jointly redrafted to advance and enhance First Nation control over First Nations education. BC First Nations remain committed to engaging with Canada to advance First Nations control of First Nations education and the BC First Nations Education System, and, in particular, to formalize a secure, sustained and appropriate funding approach that meets First Nations education needs for improved learner outcomes;
- D. First Nations in BC individually, and through the First Nations Education Steering Committee (FNESC) and the First Nations Schools Association (FNSA), have submitted comments and recommendations to Canada through 5 key substantive documents, correspondence and meetings on Canada's Proposal;

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- E. BC First Nations also gathered at three significant assemblies, including one with Aboriginal Affairs and Northern Development Canada (AANDC) officials on March 8, 2013, as part of a consistent effort to ensure the interests of First Nations in BC are advanced and protected, and to attempt to engage Canada to jointly develop legislation;
- F. Canada has maintained that the Proposal, including the current draft, is “subject to change” based on feedback from First Nations, provinces and other stakeholders; however, AANDC’s three consecutive legislation documents have remained substantively unchanged and have not addressed the issues and concerns of First Nations in BC. Further, Canada declined to jointly develop and co-author legislation, as proposed by First Nations in BC;
- G. Canada’s legislative process must meaningfully engage First Nations in a manner that recognizes First Nations’ inherent right of self-government, fulfills the Crown’s constitutional duties to First Nations, and upholds the honour of the Crown. The Proposal and process must also be consistent with section 35 of the *Constitution Act, 1982*, the *UN Convention on the Rights of the Child* and, importantly, the *UN Declaration on the Rights of Indigenous Peoples*, which states:
- 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;*
- H. Canada’s Proposal raises many serious issues and leaves important matters outstanding. For example:
- i. Increased oversight, compliance and enforcement requirements, imposed standards, and increased reporting;
 - ii. The Proposal makes no commitment to a continuation of education support services (“second level services”) and so it remains unclear whether organizations that provide important support programs, such as FNEC and the FNSA, will be effectively eliminated in their current form; and,
 - iii. There is no commitment to funding beyond a vague reference to an unknown formula being established by regulation, despite a number of additional new administrative duties that would be imposed on First Nations;
- I. With respect to BC region, Canada’s Proposal:
- i. Includes a deferral of application of the Act to First Nations operating under TEFA until the expiry of TEFA in 2017, implying that Canada will not negotiate a new agreement with BC First Nations that will keep them exempt from the Act, and making it unclear whether the roughly provincially comparable funding will continue; and,

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- ii. Includes an exemption for First Nations operating under the EJFA; however, without an appropriate funding agreement in place, the EJFA remains unimplemented and unprotected;
- J. The BC Agreements provide an appropriate foundation for the exercise of First Nations control of First Nations education and meaningful reconciliation in BC. The Province has emphasized the importance of the BC Agreements and the need to continue them and the government-to-government relationship “without interference”;
- K. Many non-First Nation education stakeholders are calling on Canada to engage meaningfully with First Nations to co-develop effective education legislation (Canadian School Boards Association, BC Teachers’ Federation, the BC School Trustees Association and others);
- L. In October 2013, the United Nations Special Rapporteur on the Rights of Indigenous Peoples, Dr. Anaya, urged Canada not to “rush this legislation,” observing “deep concerns that the process for developing the act has not appropriately included nor responded to aboriginal views.” He also recognized the deep mistrust created by Canada’s unilateral process;
- M. On November 19, 2013, approximately 250 BC First Nations delegates, including leaders and community education personnel, came together to discuss Canada’s Proposal and:
 - i. Expressed their unequivocal support for the important work well under way in BC to develop the community-driven BC First Nations Education System; and,
 - ii. Affirmed that Canada’s Proposal, as currently drafted, does not meet First Nations’ goals, objectives and visions of First Nations control of First Nations education in BC, and that the Proposal, as currently drafted, must be set aside;
- N. The Chiefs in BC are united in their support for, above all, improved education outcomes for First Nations children, and therefore reinforce the need for our leadership to have choices and for families to have accountability in order to more effectively engage and support the success of their children; and,
- O. The National Chief and National Assembly of First Nations, in an open letter to the Minister of Aboriginal Affairs and Northern Development on November 25, 2013, articulated clear conditions in order for federal First Nations education legislation to be accepted by First Nations. These five conditions are based on shared values and common ground that must be fully addressed in order to move forward together (see attached).

THEREFORE BE IT RESOLVED THAT:

- 1. The Chiefs in Assembly fully support the National Assembly of First Nations’ five conditions in order for federal First Nations education legislation to be accepted by First Nations, as set out in their November 25, 2013 open letter to Minister Valcourt;

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2. The Chiefs in Assembly call upon the Government of Canada, in the spirit of true and honourable reconciliation, First Nations control of First Nations education, and the Government's 2008 Residential Schools Apology, to:
 - i. Take appropriate measures to fulfill its legal, constitutional and international duties to First Nations;
 - ii. Work in government-to-government partnership with First Nations to:
 - a) Co-develop any education legislative or policy reform initiatives; and,
 - b) Identify and strengthen government policies to support implementation and evolution of agreements and related education initiatives in BC, including funding that meets First Nations education needs for improved learner outcomes;
 - iii. Honour the EJFA and conclude a financial agreement on a priority basis, without application of the federal own source revenue policy or fiscal harmonization, to support the implementation of EJFA;
 - iv. Continue the implementation work under TEFA and prepare to negotiate the next phase of agreement(s) to build on the efforts and advances under TEFA, to achieve:
 - a) The next step in progressive evolution of exercise of First Nations control over First Nations education in BC; and,
 - b) Appropriate needs-based funding throughout the BC First Nations Education System; and,
 - v. Set aside its national First Nations Education Act as currently proposed and engage with First Nations in an agreed process to co-develop any education legislation and/or policy to ensure that it supports and enhances First Nations control of First Nations Education (as envisioned in the Native Brotherhood's Indian Control of Indian Education policy framework and subsequent First Nations Control of First Nations Education policy framework of the Assembly of First Nations) and, in particular, to ensure that a funding model is formalized for secure, sustainable and appropriate funding, including for language, culture and technology, that meets First Nations education needs to achieve learner success;
3. The Chiefs in Assembly support the First Nations Education Steering Committee, working with First Nations political organizations and others, in continuing to take measures to protect and advance First Nations' interests in relation to any education legislation and/or policy in BC, and to protect the integrity of the BC First Nations Education System; and,

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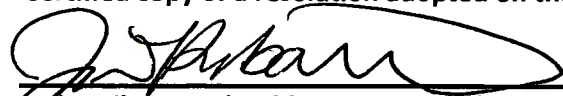

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4. The Chiefs in Assembly direct the Regional Chief to work with other like-minded organizations in BC and, where possible, with other regions and the national Assembly of First Nations, to advance First Nations control of First Nations education, protect the integrity of the BC First Nation Education System, including the TEFA and EJFA in BC, and to work towards a coordinated approach in response to the existing federal proposal for First Nations education legislation.

Supporting Documents:

- Assembly of First Nations' Open Letter to Minister Valcourt – November 25, 2013
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BCAFN 10th SPECIAL CHIEFS' ASSEMBLY
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DRAFT Resolution 06/2013

SUBJECT: OMNIBUS RESOLUTION TO ADOPT FIVE RESOLUTIONS

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLUOK FIRST NATION

SECONDED BY: GRAND CHIEF DOUG KELLY, PROXY FOR SOOWAHLIE FIRST NATION

DECISION: CARRIED BY CONSENSUS

WHEREAS:

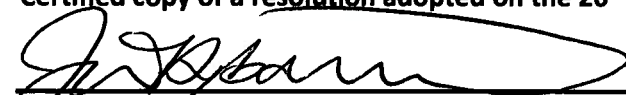
- A. Upon review of the draft resolutions, it was determined that many of the resolutions were resolutions that the BC Assembly of First Nations (BCAFN) Chiefs-in-Assembly could support via an omnibus resolution; and,
- B. There are outstanding First Nations Leadership Council resolutions that have been passed by the First Nations Summit and/or the Union of BC Indian Chiefs which the BCAFN Chiefs in Assembly wish to adopt and ratify.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs in Assembly hereby adopt the following resolutions:

- Resolution 6(a): BC First Nations Water Rights Strategy;
- Resolution 6(b): Support for Heiltsuk Nation in Opposing 2014 BC Ferries Reductions;
- Resolution 6(c): Support for Call on Banning Trophy Hunting of Bears in British Columbia;
- Resolution 6(d): Support for Those BC First Nations Calling on the Province to Immediately Address First Nations Gaming Opportunities; and,
- Resolution 6(e): Condemnation of Human Biomedical Experimentation in Indigenous Communities and Residential Schools.

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DRAFT Resolution 06(a)/2013

SUBJECT: BC FIRST NATIONS WATER RIGHTS STRATEGY

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLLOOK FIRST NATION

SECONDED BY: GRAND CHIEF DOUG KELLY, PROXY FOR SOOWAHLIE FIRST NATION

DECISION: CARRIED BY CONSENSUS AS PART OF OMNIBUS RESOLUTION 06/2013

WHEREAS:

- A. Water is a sacred resource to First Nations. Survival relies on access to clean water for: health and well-being; spiritual use, culture, customs and traditions; sustenance; and, economic opportunities;
- B. First Nations have rights and a sacred responsibility to protect and manage water for First Nations today and for generations to come;
- C. The right to water includes the use of water for cultural ceremonies, drinking, domestic purposes, irrigation and other agricultural purposes, commercial purposes, transportation, and access for fishing, hunting, trapping and other harvesting and gathering activities;
- D. The *United Nations Declaration on the Rights of Indigenous Peoples* affirms:

Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard; and,

Article 32(2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources;

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- E. The First Nation Leadership Council organizations have a mandate through BCAFN resolution 11/2010, First Nations Summit resolution #0910.04, and Union of BC Indian Chiefs resolution 2010-10, to work together to develop a draft Action Plan to set out collective First Nations' views on water issues, achieve recognition of First Nations' priority and un-extinguished water rights, challenge the Province and Canada's legislation and legislative and policy initiatives regarding water;
- F. A preliminary draft Action Plan was developed, drafted and distributed to all First Nations in BC for their review and feedback prior to the province-wide First Nations Right to Water Forum in March 2013;
- G. In May 2013, the feedback received from First Nations was incorporated into the first draft of the Action Plan, which was distributed to at the UBCIC Annual General Assembly and the First Nations Summit quarterly meetings in September 2013; and,
- H. On November 4th, 2013 the draft BC First Nations Water Rights Strategy was distributed and available to all First Nations in BC for further review and feedback and all feedback received to date has been incorporated.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs in Assembly fully respect and support Indigenous Nations to continue the exercise and defense of their inherent right to ensure the protection of their respective territories, through the implementation of their laws principled upon Indigenous values through cultural, family and community interconnectedness; and,
2. The Chiefs in Assembly fully support and endorses the attached BC First Nations Water Rights Strategy, as a tool for collective advocacy amongst BC First Nations.

Supporting Documents:

- BC First Nations Water Rights Strategy—November 2013
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DRAFT Resolution 06(b)/2013

SUBJECT: SUPPORT FOR HEILTSUK NATION IN OPPOSING 2014 BC FERRIES REDUCTIONS

Moved by: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

Seconded by: GRAND CHIEF DOUG KELLY, PROXY FOR SOOWAHLIE FIRST NATION

Decision: CARRIED BY CONSENSUS AS PART OF OMNIBUS RESOLUTION 06/2013

WHEREAS:

- A. The Heiltsuk Nation have lived within and upon their homeland since time immemorial and assert Aboriginal rights and title to their lands including the right to fish and steward marine resources. Heiltsuk have never surrendered or ceded these rights;
- B. Heiltsuk ancestral homeland comprises a defining portion of what is now known as the central coast of British Columbia and it extends from the southern tip of Calvert Island north to Klekane Inlet across Butedale, inland from the head of Dean Channel and Inlet to the offshore area west of Goose Island, Aristazabal Island, and Calvert Island, and the intervening inlets, channels, islands and waterways;
- C. Heiltsuk's principal community is Bella Bella on Campbell Island;
- D. Ferry service is a longstanding primary connection between central and north Coast communities and southern British Columbia, including Bella Bella;
- E. The ferry has been, and continues to be, an essential service to central and north coast communities;
- F. Coastal community members rely heavily on ferry service to obtain health, medical or dental care and ferry service is the only choice and a necessary burden to families who cannot afford to take air transportation;

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- G. The ferry service is the primary mode of transportation to ship food to Bella Bella on refrigerated or freezer trucks as well as provide other goods and services;
- H. The current service does not adequately meet Heiltsuk's needs due to the limited schedule;
- I. BC Ferries is proposing to significantly decrease the number of sailings to bimonthly and monthly sailings, effectively forcing residents to be stranded outside Bella Bella for a minimum of two week intervals and preventing businesses from providing goods and services on a more regular basis; and,
- J. Any reduction to existing ferry schedules for coastal communities and any increase in ferry costs, will seriously compromise the quality of life and impose undue hardship on central and north coast residents.

THEREFORE BE IT RESOLVED THAT:

- 1. The Chiefs in Assembly support Heiltsuk Nation in its efforts to increase or, at the very least, maintain existing ferry service to Bella Bella;
- 2. The Chiefs in Assembly strongly oppose any reduction in or changes to ferry service to Bella Bella;
- 3. The Chiefs in Assembly urge the provincial government, and in particular, BC Ferries, to work with the Heiltsuk to find realistic and alternate solutions which will not result in the reduction of ferry services;
- 4. The Chiefs in Assembly support the BC Assembly of First Nations in communicating opposition to the reductions in much needed ferry services and call on the provincial government to work diligently and in good faith with the Heiltsuk in reaching an alternate solution and until one is found, request no changes be made to the existing services; and,
- 5. The Chiefs in Assembly direct the BCAFN Regional Chief to work with affected Heiltsuk communities to provide assistance or guidance as requested or required to resolve this issue.

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DRAFT Resolution 06(c)/2013

SUBJECT: SUPPORT FOR CALL ON BANNING TROPHY HUNTING OF BEARS IN BRITISH COLUMBIA

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLLOOK FIRST NATION

SECONDED BY: GRAND CHIEF DOUG KELLY, PROXY FOR SOOWAHLIE FIRST NATION

DECISION: CARRIED BY CONSENSUS AS PART OF OMNIBUS RESOLUTION 06/2013

WHEREAS:

- A. Black bears, grizzlies and the iconic white spirit bears are an integral feature in the culture of First Nations in BC and have an important role in the coastal ecosystem;
- B. Grizzly bear trophy hunting has been a long-standing tourist draw in British Columbia and results in the killing of over 300 bears annually;
- C. BC Coastal First Nations have been working to bring an end to trophy hunting of bears in BC. In particular, under tribal laws, nine coastal First Nations have maintained a ban on trophy hunting of grizzly bears within the Great Bear Rainforest for one year;
- D. Bears Forever is a project of Coastal First Nations and the Central Coast First Nations Bear Working Group to draw attention to impacts of the trophy hunting and to advocate for the protection of grizzly bears from trophy hunting in BC; and,
- E. The *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) affirms:

Article 26(1): *Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired;*

Article 26(2): *Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired;*

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Article 26(3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned; and,

Article 29(1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programs for indigenous peoples for such conservation and protection, without discrimination.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs in Assembly support the efforts of the Bears Forever Campaign and the Central Coast First Nations Bear Working Group to advocate for the protection of grizzly bears from trophy hunting in the Great Bear Rainforest; and,
2. The Chiefs in Assembly call on the provincial government to immediately put an end to the trophy hunting of bears in the Great Bear Rainforest.

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DRAFT Resolution 06(d)/2013

SUBJECT: SUPPORT FOR THOSE BC FIRST NATIONS CALLING ON THE PROVINCE TO IMMEDIATELY ADDRESS FIRST NATIONS GAMING OPPORTUNITIES

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: GRAND CHIEF DOUG KELLY, PROXY FOR SOOWAHLIE FIRST NATION

DECISION: CARRIED BY CONSENSUS AS PART OF OMNIBUS RESOLUTION 06/2013

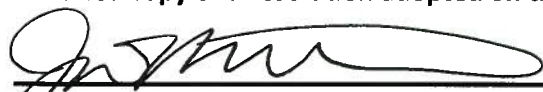
WHEREAS:

- A. First Nations in BC continue to object to the 1985 federal provincial agreement that unconstitutionally transferred authority over gaming and its revenue to the provinces;
- B. BC is the only province in Canada that does not share gaming revenue with its First Nations;
- C. First Nations in BC have unextinguished Aboriginal title and rights, including treaty rights;
- D. The *United Nations Declaration on the Rights of Indigenous Peoples* affirms:

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;

- E. First Nations outside of BC for over a decade have enjoyed the benefits of billions of dollars in revenue generated from gaming activities that have supported essential community, economic, social and cultural development efforts;
- F. All First Nations in BC require consistent, predictable and sustainable funding in order to support the social and economic rebuilding of our respective Indigenous Nations, our governments, and our economies to improve the economic, social and cultural needs of our communities;

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- G. Since 2006 the BC First Nations Gaming Commission has been actively pursuing a variety of creative options that would allow gaming revenue to flow annually into all First Nations communities, while recognizing BC's revenue needs;
- H. The Province of BC continues to consistently deny discussing any of these gaming revenue opportunities and has recently stated that they have no interest in sharing these revenues with First Nations at this time;
- I. The BCAFN has formally supported and endorsed the BC First Nations Gaming Commission through resolutions #07/2012 and #08/2010;
- J. First Nations of BC have unanimously supported through the three provincial First Nations organizations, the Union of BC Indian Chiefs, the First Nations Summit and the BCAFN, the formation of the BC First Nations Gaming Commission with the intent to pursue all opportunities for regulating, managing and conducting First Nations Gaming on reserve lands;
- K. The Province of BC has embarked upon an agenda for the increase and amplification of resource development projects in BC to diversify economic markets and increase economic benefits to BC and for these plans to come to fruition will require the support and consent of affected First Nations; and,
- L. The Province of BC desires to pursue and engage in resource development negotiations and reach agreements with First Nations for major resource related projects as their political and economic priorities, such as new oil and natural gas pipelines, mining, industrial infrastructure and liquefied natural gas plants.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs in Assembly, hereby put the Province of BC on notice that until such time First Nations have their fair share of gaming revenue, that major resource related projects are in jeopardy and that the Chiefs support those First Nations calling for the suspension of all major resource project development negotiations ongoing between First Nations and BC within their territories until the Provincial government undertakes to address First Nation issues and, particularly those related to First Nations gaming revenue.

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DRAFT Resolution 06(e)/2013

SUBJECT: CONDEMNATION OF HUMAN BIOMEDICAL EXPERIMENTATION IN INDIGENOUS COMMUNITIES AND RESIDENTIAL SCHOOLS

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLLOOK FIRST NATION

SECONDED BY: GRAND CHIEF DOUG KELLY, PROXY FOR SOOWAHLIE FIRST NATION

DECISION: CARRIED BY CONSENSUS AS PART OF OMNIBUS RESOLUTION 06/2013

WHEREAS:

- A. The recently published historical research article by Ian Mosby, *Administering Colonial Science: Nutrition Research and Human Biomedical Experimentation in Aboriginal Communities and Residential Schools, 1942-1952*, revealed that Indigenous communities and Indigenous children in residential schools were historically used as subjects in various “nutritional experiments” by some of Canada’s leading nutritional experts at the time, in cooperation with the Canadian government;
- B. According to Mosby’s research, these disturbing experiments involved at least 1,300 Indigenous children. Government tests began in 1942 in a number of remote Indigenous communities in northern Manitoba. Following this, the initiative spread across the country. In 1947, research continued on at least 1,000 malnourished Indigenous children in at least six residential schools in Port Alberni, British Columbia; Kenora, Ontario; Schubencadie, Nova Scotia; and Lethbridge, Alberta;
- C. In his research, Mosby identified that Paulette Regan, the director of research for the Truth and Reconciliation Commission of Canada, has forcefully argued real truth and reconciliation can only occur when settlers genuinely begin to understand and take responsibility for the legacy of systematic violence and oppression that characterized the residential school system and Indigenous-settler relations in Canada more generally;

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- D. These experiments, as described in Mosby's research, are but one example of a larger institutionalized and dehumanizing colonialist racist ideology which has plagued Canada's policies towards Indigenous peoples;
- E. The Crown's historic attitude towards Indigenous peoples, which persists in more subtle forms today, is evidenced in the June 2008 apology issued by Prime Minister Harper in the House of Commons to survivors of Indian residential schools in BC and across Canada (the "Apology"). Although this Apology was an acknowledgment of the historic wrongs, it is important to note that it was only agreed-to after protracted litigation and appeals to the Supreme Court of Canada throughout which the Canadian government denied it had any responsibilities to the survivors;
- F. In particular, the Apology fully acknowledges that "two primary objectives of the Residential Schools system were to remove and isolate children from the influence of their homes, families, traditions and cultures, and to assimilate them into the dominant culture." These objectives were based on the assumption Aboriginal cultures and spiritual beliefs were inferior and unequal. Indeed, some sought, as it was infamously said, "to kill the Indian in the child"; and,
- G. The Apology included a commitment by Parliament and all of Canada to join Indigenous peoples on a shared journey toward healing and reconciliation. There is mounting frustration across the country with the lack of tangible action and lack of sincere commitment on the part of the Canadian government to work in real partnership with our peoples and governments. To date, in the spirit and intent of the Apology, there is an outstanding commitment for all governments and all Canadians to commit to reconciliation.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs in Assembly:
 - i. Condemn the action of the federal government for conducting and cooperating in the deeply disturbing and shocking nutritional and medical experiments involving Indigenous children; and,
 - ii. Call on Canada to make an apology to the Indigenous victims and survivors of residential schools who were used as subjects in such experiments;
2. The Chiefs in Assembly hold the view that these experiments reveal Crown conduct reflecting a pattern of genocide against Indigenous peoples;
3. The Chiefs in Assembly will not accept the Prime Minister's June 2008 apology as a catch-all recognition for all federal policy, past, present and ongoing, which have and continue to negatively impact Indigenous peoples;

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4. The Chiefs in Assembly consider it imperative that residential school survivors, Indigenous peoples and all Canadians know the full truth of these experiments and call on the federal government, all churches, the Canadian Red Cross and any other parties involved in the residential school system to immediately provide Indian Residential School survivors and the First Nations Truth and Reconciliation Commission with full and complete access to all available records on all experiments and procedures conducted on Indigenous communities and Indigenous children in residential schools and Indian Hospitals;
5. The Chiefs in Assembly call on the federal and provincial governments, all churches and the Canadian Red Cross to initiate a strategic communication action plan, created in partnership with Indigenous Peoples, to ensure information regarding the scientific experiments and procedures is made public and available to victims and their families, including ensuring that such information is reflected in the public school education curriculum so that all Canadians can understand and be aware of the whole truth;
6. The Chiefs in Assembly call on the government to fund investigation into all cases in which children were subjected to electrical shock at Indian Residential Schools and where Indigenous Peoples were forcibly sterilized at both Indian and public hospitals;
7. The Chiefs in Assembly call on the federal government to fund an examination of the extent of the residual impacts and intergenerational trauma caused by the nutritional and medical experiments and to develop a system for fair and just restitution for those persons and communities who suffered emotional and physical effects as a result of the experiments; and,
8. The Chiefs in Assembly call on the federal, provincial and territorial governments to recognize First Nation jurisdiction over research and data collection processes involving our people and communities and that the First Nation principles of "ownership", "control", "access" and "possession" (OCAP) be respected and adhered to in the development of any future partnerships involving research and further that the government commit to funding studies into the effects of the research.

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