



CHIEFS OF
ONTARIO
FACILITATOR'S
REPORT

SCA
2018

Theme:
**Accountability,
Priorities and
Direction**



Overview

ACCOUNTABILITY:

Clarity that the Ontario region is receiving their fair share of funding. Restructuring of Secretariat Governance

PRIORITIES:

Ontario election may see radical change in the region
Federal legislative review

DIRECTION:

Chiefs' direction on the restructuring project
Engagement with the RDG
Follow up at the AOCC

NEXT STEPS:

Report to be previewed at the AFN SCA in May 1/2 at Gatineau QC

Report sent to the Chiefs in Ontario

Follow up on the Federal legislative agenda (Ontario position made clear)

Information flow during the Provincial election

AOCC Agenda

SUMMARY:

The Chiefs in Ontario gave direction to the ORC and the Board that the restructuring project is a priority and a decision will be made at the AOCC
Other priorities on Federal/Provincial issues continue to develop.



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REPORTING BACK

Background

It was a pleasure to be involved in this important Special Chiefs Assembly on April 17-19, 2018. Despite weather and travel concerns the Assembly went forward with the Chiefs determining several important resolutions within the two-day, modified agenda. This report will highlight various presentations, and identify a number of concerns and issues, main findings, conclusions and recommendations.

The two-day agenda was about internal issues on Day one, including board governance and the restructuring project overview by consultant, Jenny Restoule. Day two included presentations by Regional Director General Anne Scotton of Indigenous Services Canada and a legal/policy presentation by Sara Mainville of OKT LLP.

Before the start of Day 1, a dinner was held with the delegates and a presentation was made by the Elders regarding collaboration, sharing, listening and having a good meeting.

Kitkos tesewatharionion → always talk
→ ask questions when not sure

Kanikonri:io sanontonion ki'kos → good mind always

Tesa te'ni konrahsha a:ton → commitment from each team, self & team = win win
teamwork “Tekaienawakon”

Nahonto kwah seweie:te → Do what you do best: specific skills to accomplish, specific
healing projects

Sewatenenraro:rok → gather the group

Sewaien'kwen' ton → burn tobacco – pray for healing & answers, ideas, creativity, plan
together : sometimes you might seek others help



The presentation was very well-received by the delegation. The dinner gave a chance for the delegates to reconnect with their friends, meet new delegates, and to learn more about why everyone was attending the assembly.

The theme of accountability, priorities and direction were illustrated with the Elder's presentation: "All Minds together, ideas and creativity working towards the betterment of the individual." The Elders shared the "Law of Thinking" with the delegates: "Highest function- Thoughts are energy "All great thinkers are successful. You become what you think. Thoughts of what you think control the vibration and energy in your surroundings." Many other teachings were shared and discussed during the evening and started off the assembly gathering in a good way.

At the beginning of the Assembly on Day 1, there were 53 registered delegates. As per the Rules of Procedure, this meant that 27 would be the number for achieving quorum. Co-chairs Adam Fiddler and Jennifer Neepin were accepted by motion along with the Youth Co-chair, Richelle Ritchie. The Day started with a sunrise ceremony and the traditional protocols of opening the Assembly.

Presentation 1 - Ontario Regional Chief Isadore Day

Ontario Regional Chief Isadore Day set the tone for the 2-day assembly with his presentation on Accountability, Priorities, and Direction. He highlighted at a macro level the structure of the Chiefs of Ontario (COO) and how the COO Secretariat, Corporate Board, Political Confederacy and Regional Chief's office are currently working together. He identified the relationships between the parties require improvement and finding a solution to build a united COO organization that will benefit all 133 communities. The intent of this Assembly is to provide an opportunity collectively for Chiefs to give direction on immediate issues and medium-term planning.

Concerns & Issues:

An ongoing concern over the years has been the organizational structure of the COO. PTOs and other organizations mandated by the Chiefs do not have a clear link to COO, leaving coordination subject to political interests that generate conflict. There is a disconnect in formal accountability and flow of information and communication between the various chambers (COO Secretariat, Corporate Board, Office of the Regional Chief and the Political Confederacy) all which are guided by the Chiefs in Assembly.



Evolving approaches and assertions to Treaty groups and First Nation Independence are signals for a need to change. Competing interests, government policy, legislative demands and pace have all attributed to the pressures on the COO.

Main Findings:

Mandate – The main objective of the Chiefs of Ontario office is to facilitate the discussion, planning, implementation and evaluation of all local, regional and national matters affecting the First Nations people of Ontario. The intention of basing the central office in Toronto is to maintain a presence for First Nations in Ontario that is non-government and non-political in order to communicate with government officials on an urgency basis.

The activities of the Chiefs of Ontario are mandated through and guided by:

- Resolutions passed by the Chiefs in Assembly of the 133 First Nations in Ontario.
- The Political Confederacy made up of the Grand Chiefs of Political Territorial Organizations (PTOs) and Independent First Nations.
- The elected Regional Chief for the Chiefs of Ontario.

Operations: The Corporate Board responsibility is to oversee the operations of the Secretariat. This has been a challenge as the Board is not meeting its obligations as set out in the legislation and corporate by-law. The difficulty in getting Board of Directors to meet on a regular basis have caused serious challenges within the COO Secretariat. The organization is led by a Chief Operating Officer who then reports to the Board on a regular basis. This has not been occurring which is resulting in challenges at the Chief Operating Officer and senior management level. This impacts the administration and has caused discord within the ranks. Important concerns were also written in the 2017 Audit as a matter to address.

Conclusions: Over many years and many reports the focus has to be on streamlining the organizational structure so that COO can be the coordinating body that it was intended to be. Achieving unity on important issues from all regions is critical and having a well-functioning organization will serve the leadership in the communities effectively and efficiently. This work was directed by the Chiefs and we need to ensure that it is implemented.



Presentation 2 Jenny Restoule - COO Restructuring Project

The Consultant's presentation covered 3 main areas. Purpose, Mandate and Challenges; Corporate Board Issues and Options; and a Plan Forward

Background:

In 2016 the Chiefs in Assembly identified the need to clarify roles and responsibilities of Chiefs of Ontario for the 4 chambers (Chiefs of Ontario Secretariat, Corporate Board, Political Confederacy and Office of the Regional Chief (ORC). Executive Strategic Planning, Review of past and current restructuring plans, Review of the COO Corporate board, Engagement sessions with Elders, Women's Caucus Ontario First Nations Young Peoples Council, Ontario First Nations, COO Board, others are key other key elements within this project.

This is a long-standing issue that needs to be addressed with new action and implementation plans based on the input, advice and knowledge of the Chiefs in Assembly, Elders and Youth.

Purpose, Mandate & Challenges

Concerns & Issues:

Some of the challenges in getting the project off the ground have been scheduling meetings so the Senior Technical Committee and Political Chiefs Committee to review the proposed work plan. Also challenging was getting feedback from Chiefs in Assembly and lack of communication and instructions from the COO Secretariat and Corporate Board. The Consultant has met with the Elders Council twice.

Timeline to complete this work has been condensed due to the delays but the Consultant will have a draft report ready for June 2018 AOCC.

The need to restructure has been identified through numerous resolutions, strategy documents Terms of References and Charters. Several reports have been prepared, many that the Consultant referred to: Kewayosh Report (1998), Final Report of the Structure Review Committee (2001), Mary Jamieson report (2011). All referenced reports were recommending restructuring -- however, recommendations have not been fully implemented.

Main Findings:



The 2017 Audit management letter advised that the Board have an obligation to meet on a regular basis as outlined in the legislation and By-law. The COO replied to the Auditor that they would take measures to ensure that. Because of this lack of commitment on the part of the Corporate Board critical management, human resource and administration matters are not being addressed in a timely fashion, thus causing discord and concern amongst the ranks.

The governing documents under the current structure have 3 charters listed, but 2 are still in draft form. They are the Terms of Reference (ToR) for ORC, draft ToR for the Political Confederacy, First Nations Women's Caucus and OFNYPC and no ToR for the Elders Council.

Planning and Protocols have also been presented over the years -- COO Strategic Plan in June 2007, COO Draft Priorities Action Plan, October 2016 and Draft Relationship Protocol between Nishnawbe-Aski Nation and COO, August 2016

Corporate Board Issues and Options:

The Corporate Board have not been meeting on a regular basis thus resulting in non-performance of corporate duties and obligations to oversee COO Secretariat administration and reporting to the Chiefs in Assembly. There have been long standing issues over the years due to various interests and differences amongst the Corporate Board Directors (Grand Chiefs of AIAI, UOI, NAN and Treaty 3).

This negatively impacts the overall financial management and reporting, employment and human resource matters, supervision and evaluation of the Chief Operating Officer, and delivery and planning of programs and services. Unfortunately, decisions generally made by the Corporate Board need to be assumed by the COO Secretariat or the ORC which increases corporate exposure to legal liability.

The Corporate Board Directors have a responsibility to exercise a high level of care, diligence and skill and are to act honestly, in good faith and in the best interest of Chiefs of Ontario. If not, then the lack of accountability to the COO Secretariat and the Chiefs in Assembly is detrimental to the organization.

The Consultant presented 4 options to the Chiefs in Assembly for consideration.

1. Maintain Status Quo by not taking any steps and continue the path with no benefit.
2. Removal of Corporate Board Directors; this decision would have to come from the PTO and then fill those positions.



3. Appoint a managing Director or Committee. Current by-law limits the delegation of powers by existing Directors.

4. Amend the corporate by-laws.

There are a number of items that could be addressed, changes that may be beneficial, such as Membership, Director and other provisions deemed necessary.

The Consultant would like to meet with each PTO to get their input as well as input from the Chiefs, Women, Elders, youth, Corporate Board and Political Confederacy. Some comments have been highlighted from the Chiefs-in-Assembly April 18, 2018 session. They are as follows:

Ed Skead – I believe the Chief's comments about the corporate and traditional blending together.

Chief Dean Sayers, Batchewana; I can see us move toward nationhood with treaty area representation... with the role of COO as opening doors for us, not providing services... have a modern broader vision for the structure.

Chief Stan Beardy, is in support of the COO and PTO, in terms of realities, consideration for southern caucus and a northern caucus. Need to consider how to address basic human needs.

Chief Tom Bresette, Kettle Point; COO was to be a coordinating body. We are to bring our political issues here and work on coordinating our issues. We are not getting traction with lobby efforts. The money Jordan's Principle got was because the feds were publically shamed. We should not be discriminated against and all have access to clean drinking water. We need a structure with a mandate with money from government and reports to the Chiefs about the specific issues we are dealing with in the north and south regions.

Chief Laurie Carr, Hiawatha; If we have a Corporate Board not being accountable, it is my responsibility as Chief to make sure my Grand Chief is held accountable.

Chief Greg Nadjiwon, Chippewas of Nawash; We have a chance to develop a strong Corporate Board that could address all the issues identified. We have so much knowledge and expertise in the room that could assist the ORC. I see some sabotage going on but I think we have bigger fish to fry. I see expertise among the Elders. We could incorporate traditional knowledge and principles into what we do (reference to a story about one arrow versus a bunch of arrows – analogy about the strength of unity).



Chief Melvin Hardy, Biinjitiwaabik Zaaging Anishinaabek; I see some of the challenges. I am concerned as we move ahead but if challenges occur before the end of June, I ask the ORC to inform the Chiefs in Assembly.

Ted Williams, proxy for Chief Rodney Noganosh, Chippewas of Rama; Good corporations have goals, objectives, etc. as set by the team, members and stakeholders. It appears we need to examine our mission, and set goals, and objectives that will help up fulfill our mission. We should re-assess and re-establish our mission.

Conclusions:

The ORC understands the regional diversities and communication and data gaps with reporting our needs to the federal government. These challenges may also be reflective of the inefficiencies within the current structure of the COO Secretariat.

Measures of Accountability and reporting mechanisms need to be instilled to ensure Chiefs in respective regions of AIAI, UOI, NAN, Treaty #3 and Chiefs in Assembly are aware of what is happening; the ORC will guide those communications. Revising agendas so that Corporate Board, Political Confederacy updates are a regular agenda item at each assembly.

Traditional protocols need to be incorporated into the Corporate governance structure. Reporting mechanisms are to be added to ensure accountability to Chiefs in Assembly. Have Corporate Board Directors sign a Code of Conduct as an oath/pledge to publicly acknowledge the responsibilities of Director will be taken seriously.

Values and guiding principles, such as the seven teachings be incorporated in their mission, respecting differences but aim for consensus-based decision to ensure COO is a strong unified body. Create seats at the Corporate Board for Elder Advisor (Male and Female – could be rotating) and Youth (Male and Female -could be rotating) from the OFNYPC. Ideally there needs to be women as Corporate Board Director (s) but that will be up to the Chiefs in regional areas to decide. Include corrective measures when Directors are non-compliant, so that the business of COO is not negatively impacted. These values and guiding principals are to be top of mind throughout the organization, to bring continuity and everyone together with a good mind.

Ensure a Resolution Roster is kept up to date via website and addressed at the Assembly; and that Resolutions are drafted with oversight by Chiefs, if they want to raise issues in Assembly.



Recommendations:

The Chiefs with in the 4 groups (AIAI, UOI, Treaty #3, NAN) as per Resolution 04/18 Restructuring the Corporate Board of the Chiefs of Ontario be followed.

1. Accept for initial consideration and information the Options Paper on Restructuring the Chiefs of Ontario Corporate Board (the 'Options Paper') as presented to the Chiefs in Assembly by the Consultant.
2. Direct that the Chiefs of Ontario to continue community consultations which may produce further options and present an interim report that implements an action plan and next steps at the All Ontario Chiefs Conference in June 2018 to begin the process.
3. Direct the Chiefs of Ontario to extend the mandate to include timeframes that reflect 1) a phased in approach and 2) a proposed implementation plan.

As well, with Resolution 07/18 the Chiefs in Assembly

1. Direct the Chiefs of Ontario Board of Directors to fulfill their fiduciary duties by meeting regularly in preparation to report to the All Ontario Chiefs Conference in June 2018 on the activities of the Board. If they are not willing or able to do so, they will immediately inform the Ontario First Nations Chiefs, in writing, of their decision not to participate.

There is work to do prior to the AOCC in June 2018, including meeting with the Consultant to share views and complete interviews with her. Discussions within the PTOs about the role of the Chiefs of Ontario an linkages for direction, accountability and priorities.



April 18-19, 2018

RESOLUTION 04/18

SUBJECT: RESTRUCTURING THE CORPORATE BOARD OF THE CHIEFS OF ONTARIO

MOVER: Chief Stan Beardy, Muskrat Dam First Nation

Seconded: Chief Denise Stonefish, Eelunaapeaw Lahkeewit (Delaware Nation)

DECISION: Carried: 31

Abstentions 5: Chief Arnold Paul, Temagami; Chief Brian Perrault, Couchiching; Peter Moonias, Proxy, Neskantaga

Opposed – 3: Recorded: Chief Randall Phillips, Oneida Nation; Chief Mary King, Beausoleil

WHEREAS:

The Indian Associations Coordinating Committee of Ontario has been incorporated under the Canada Not-for-Profit Corporations Act, as the Chiefs of Ontario's corporate structure. There is presently a Board composed of four voting members and one non-voting member. These Directors are automatically appointed after taking office as a Grand Chief of one of the Ontario Region's PTOs, or traditionally selected as Ontario Regional Chief (non-voting member);

The corporate Board of the Chiefs of Ontario (COO) has encountered significant challenges in conducting Board meetings, duly convened as per the corporate bylaw, which is required to ensure proper management and supervision of the activities of the COO;

The continued problems experienced within the corporate Board has had negative impacts on the COO in such areas as financial management and reporting, employment and human resource matters, supervision and evaluation of the Chief Operating Officer, delivery and planning of programs and services, decisions generally made by the Board needing to be assumed by the Chief Operating Officer and/or the Ontario Regional Chief, which complicates the matter as the Board is not being fully informed of the activities of the corporation, and exposing the corporation to liability issues;

Governance by the Board and/or the Political Confederacy has been a long-standing issue of sharing accountability and the challenge to schedule meetings of the Board and/or Political Confederacy where attendance by all members is achieved and quorum for decision-making is reached;



Due to these immediate and pressing issues, the COO expanded the purpose and mandate of the Restructuring Project to include the relationships with the COO Corporate Board, along with the existing scope of the Chiefs in Assembly, Political Confederacy, Regional Chief, and COO Secretariat. The Consultant was specifically directed to prepare an Options Paper on how to restructure the COO Corporate Board.

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

1. Accept for initial consideration and information the Options Paper on Restructuring the Chiefs of Ontario Corporate Board (the 'Options Paper') as presented to the Chiefs in Assembly by the Consultant.
2. Direct that the Chiefs of Ontario to continue community consultations which may produce further options, and present an interim report that implements an action plan and next steps at the All Ontario Chiefs Conference in June 2018 to begin the process.
3. Direct the Chiefs of Ontario to extend the mandate to include timeframes that reflect 1) a phased in approach and 2) a proposed implementation plan.



April 18-19, 2018

RESOLUTION 07/18

SUBJECT: CHIEFS OF ONTARIO CALL TO BOARD OF DIRECTORS

MOVER: Chief R. Don Maracle, Mohawks of the Bay of Quinte

Seconder: Chief Wilfred King, Kiashke Zaaging Anishinaabek

DECISION: CARRIED

OPPOSITION: 1

WHEREAS:

The Indian Associations Coordinating Committee of Ontario has been incorporated under the Canada Not-for-Profit Corporations Act, as the Chiefs of Ontario's corporate structure. There is presently a Board composed of four voting members and one non-voting member. These Directors are automatically appointed after taking office as a Grand Chief of one of the Ontario Region's PTOs, or traditionally selected as Ontario Regional Chief (non-voting member).

The corporate Board of the Chiefs of Ontario (COO) has encountered significant challenges in conducting Board meetings, duly convened as per the corporate bylaw, which is required to ensure proper management and supervision of the activities of the COO.

The continued problems experienced within the corporate Board has had negative impacts on the COO in such areas as financial management and reporting, employment and human resource matters, supervision and evaluation of the Chief Operating Officer, delivery and planning of programs and services, decisions generally made by the Board needing to be assumed by the Chief Operating Officer and/or the Ontario Regional Chief, which complicates the matter as the Board is not being fully informed of the activities of the corporation, and exposing the corporation to liability issues.

Governance by the Board and/or the Political Confederacy has been a long-standing issue of sharing accountability and the challenge to schedule meetings of the Board and/or Political Confederacy where attendance by all members is achieved and quorum for decision-making is reached.

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

1. Direct the Chiefs of Ontario (Indian Associations Co-ordinating Committee of Ontario Inc.) Board of Directors to fulfill their fiduciary duties by meeting immediately and regularly in preparation to report to the All Ontario Chiefs Conference in June 2018 on the activities of



the board. If they are not willing or able to do so, they will immediately inform the Ontario First Nations Chiefs, in writing, of their decision not to participate.

The Chiefs Assembly ended Day 1 prior to formally approving any resolution. The resolutions were carried over to the following day after some procedural discussions. All four resolutions were voted on in Day 2.

At the end of Day 1, National Chief Perry Bellegarde addressed the Assembly with prepared remarks.

Day 2 began with opening remarks by the Ontario Regional Chief. He then introduced Minister David Zimmer, who spoke at length to the assembly and answered several questions. ORC Day then made some further remarks, thanking the Minister for attending the Assembly and returning to the agenda the third planned presentation.

Presentation 3 - RDG Anne Scotton, Indigenous Services Canada

Regional Director General gave a presentation on Fair Share and Funding issues. She touched base on Priority areas, and regional budget highlights. The RDG is looking for collaboration with First Nations in Ontario to advocate for more federal dollars. A big part of that is trying to get headquarters and sharing information about funding. In this region, we don't get our "Fair Share" if we look at the number of First Nations, population, issues and remote communities. Ontario has the biggest numbers and the largest region. We need to put our case for – needs based, facts-based decision making. In terms of funding, COO has received \$3.6M for 1 year of funding. We have a list of proposals that were approved. We tried to make it as non-intrusive as possible. We are starting this new year with funding for this assembly. Indigenous Services Canada will be transparent with the Chiefs in Ontario and they can decide on how to make that known.

Concerns & Issues:

Funding Equity shows Ontario is underfunded by \$785 million per year, along with BC and QC. Indigenous Services Canada is working to make Ontario a priority region based on facts and information they are gathering. 2017 Price Waterhouse study looked at the largest 5 First Nations in Ontario. Engagement on the recognition of Indigenous rights led by Caroline Bennett, ISC supports her on this. Not one single school started this fiscal year. National ongoing consultation and engagement activities pertain to infrastructure; Minister Philpott has set a goal to have a number of First Nations off the drinking water advisories by 2021. RDG wants to sign protocol before election to make sure this work carries on.



Main Findings:

Conclusions: Resolution 05/18 was brought forward and approved by Chiefs in Assembly.

1. Direct the Chiefs of Ontario Secretariat to continue to hold the federal government accountable to ensure that First Nations in Ontario are funded in accordance with their needs including and identifying federal revenues.
2. Direct the Ontario Regional Chief to draft a letter to Indigenous Services Canada before the May 3, 2018, Ontario Joint Gathering detailing the problems with DISCs burdensome funding processes including its heavy reliance on proposal-based funding and processes for carrying funding across fiscal years.
3. Direct Canada to release regionally directed funding with the federal budget as a matter of course to First Nations for the sake of accountability and transparency.
4. Call on Canada to present the Ontario First Nation Funding Equity Strategy for approval and implementation at the June 2018 All Ontario Chiefs Conference.
5. Strike a Chiefs Committee to lobby the federal government for resolution to address Ontario's fair share of fiscal resources.

A session will be held with Indigenous groups in Ontario and the RDG on May 3-4, 2018 in Toronto, Ontario. It will be important to prepare for this session but, also to be aware that this will not just be a First Nations meeting.



SPECIAL CHIEFS ASSEMBLY

Resolution 05/18 April 18-19, 2018

SUBJECT: FEDERAL FUNDING EQUITY FOR ONTARIO FIRST NATIONS

MOVER: Chief R. Donald Maracle, Mohawks of the Bay of Quinte

Seconder: Chief Stan Beardy, Muskrat Dam First Nation

DECISION: CARRIED

WHEREAS:

As defined in Section 21 of the United Nations Declaration on the Rights of Indigenous People (UNDRIP) and affirmed by Canada, Indigenous peoples have the right to the “improvement of their economic and social conditions.” States are required to take “effective and, where appropriate, special measures” to ensure this right. The Truth and Reconciliation Commission called for Canada to implement UNDRIP in Call to Action No. 43;

First Nations in Ontario rely on federal funding to improve their economic and social conditions;

Currently, the First Nation population in Ontario represents between 23 to 25 per cent of the national population, but Ontario’s share of federal funding has been estimated at 9 to 11 per cent of the total national funding. These shortfalls are felt by communities in many sectors including housing, infrastructure, child welfare, and social programs;

The current national funding level of \$200 million per year, translates, at best, into \$50 million for the Ontario Region. Ontario requires \$2 billion to address the housing crisis on-reserve. Without significant funding increases as aligning with regional population profiles, this crisis will continue and likely worsen;

The Department of Indigenous Services Canada funding processes exacerbate these challenges by requiring proposals for minor matters and imposing burdensome processes to carry funding across fiscal years

The Chiefs of Ontario has met with the Regional Director General (Department of Indigenous Services Canada), Anne Scotton, to begin developing an *Ontario First Nations Funding Equity Strategy*. This strategy would make Canada accountable to ensure First Nations in Ontario are accurately represented in federal budgets.



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

1. Direct the Chiefs of Ontario Secretariat to continue to hold the federal government accountable to ensure that First Nations in Ontario are funded in accordance with their needs including and identifying federal revenues.
2. Direct the Ontario Regional Chief to draft a letter to Indigenous Services Canada before the May 3, 2018, Ontario Joint Gathering detailing the problems with DISCs burdensome funding processes including its heavy reliance on proposal-based funding and processes for carrying funding across fiscal years.
3. Direct Canada to release regionally directed funding with the federal budget as a matter of course to First Nations for the sake of accountability and transparency.
4. Call on Canada to present the Ontario *First Nation Funding Equity Strategy* for approval and implementation at the June 2018 All Ontario Chiefs Conference.
5. Strike a Chiefs Committee to lobby the federal government for resolution to address Ontario's fair share of fiscal resources.



Presentation 3 – Sara Mainville, OKT Law

Sara Mainville presented information to the Chiefs about the proposed Recognition of Rights legal framework that is presently being discussed across Canada. Minister Bennett is consulting with several Indigenous groups, including groups in Ontario about this framework, through unilaterally set questions about rights, self-government, and potentially through enabling legislation.

Concerns & Issues: Sara Mainville reviewed several past attempts by independent commissions, reports, and governments that have examined ways and means of creating a better relationship between Canada and Indigenous peoples. This including the Royal Commission on Aboriginal Peoples, the Charlottetown Accord, the Truth and Reconciliation Commission and the United Nations Declaration on the Rights of Indigenous Peoples. She highlighted commitments and statements made by Canada.

Main Findings: That cooperative federalism and the timeframes involved will likely lead to opt-in legislation in 2019 that will look like a former self-government bill that Minister Jody Wilson Raybould helped to draft in 2012. Bill S-212 died on the order paper but, could be the model used in the future. Also, rights recognition must be co-developed and we may want to create our own model legislation such as a “Return of Lands and Reparation Act” or a “Treaty Implementation Act.”

Operations: Questions were shared and advanced to the Chiefs as possibly the best approach to write to Minister Bennett and sharing that this approach to unilateral impose a process that will lead to legislation written unilaterally by Canada is not appropriate and not First Nations’ priority.

Conclusions: See resolution below.

SPECIAL CHIEFS ASSEMBLY

Resolution 08/18 April 18-19, 2018

SUBJECT: NATION TO NATION: OUR CHIEFS’ FOCUS ON ADVANCING OUR NATIONHOOD

MOVER: Chief Stan Beardy, Muskrat Dam First Nation

Seconders: Ted Williams, Proxy, Chippewas of Rama

DECISION: CARRIED



WHEREAS:

The Chiefs of Ontario is a political forum and secretariat for collective decision-making, action, and advocacy, for the 133 First Nation communities located within the boundaries of the Province of Ontario. Guided by the Chiefs in Assembly, the Chiefs in Ontario observe and recognize the self-determination efforts of the Anishinaabek, Mushkegowuk, Onkwehonwe and Lenape peoples in protecting and exercising their inherent and treaty rights;

On February 14th, 2018, Prime Minister Trudeau announced the government's intention to table an Indigenous Rights Framework and Legislation, to be passed before the October 2019 federal election. The current engagement process consists of three hour regional meetings with various interest groups, along with email submissions;

By the end of August 2018, the federal government will implement legislation to legalize the sale of Cannabis. Currently, there are no provisions in the legislation which address First Nation needs, from health and public safety, to youth education and economic development;

Other pieces of federal legislation that will directly impact First Nation land rights include Environmental, Energy, and Navigable Waters. All of this legislation requires deep consultation including co-development by First Nations.

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

1. Call upon the federal government to immediately begin investing in the self-determination efforts of First Nations to organize and revitalize their Indigenous institutions of governments as mandated through Budget 2018.
2. Call upon the federal government to ensure that First Nations are fully engaged in co-drafting all legislation that affects and impacts First Nations.
3. To remind the federal government at the May 1-2, 2018 Assembly of First Nations' Special Chiefs Assembly on Federal Legislation, that this must be seen as only one small part of the consultation and co-drafting process. The federal government must also engage directly with Indigenous Nations and the First Nation communities and grassroots' membership. There is no legitimate proxy in existence for the consultation requirements that must be done on a government to government, Nation to Nation level. First Nations will self-determine how they will engage with the federal government.
4. First Nations participation in any government processes, today or in the future, will not extinguish or derogate from our inherent rights, including our inherent treaty rights and our rights under UNDRIP.





ACTION PLAN

Overview

Based on the Resolutions passed at the Special Chiefs Assembly the priorities are both internal and external.

INTERNAL:

- Accept for initial consideration and information the Options Paper on Restructuring the Chiefs of Ontario Corporate Board (the 'Options Paper') as presented to the Chiefs in Assembly by the Consultant.
- Direct that the Chiefs of Ontario to continue community consultations which may produce further options, and present an interim report that implements an action plan and next steps at the All Ontario Chiefs Conference in June 2018 to begin the process.
- Direct the Chiefs of Ontario to extend the mandate to include timeframes that reflect 1) a phased in approach and 2) a proposed implementation plan.
- Direct the Chiefs of Ontario (Indian Associations Co-ordinating Committee of Ontario Inc.) Board of Directors to fulfill their fiduciary duties by meeting immediately and regularly in preparation to report to the All Ontario Chiefs Conference in June 2018 on the activities of the board. If they are not willing or able to do so, they will immediately inform the Ontario First Nations Chiefs, in writing, of their decision not to participate.

EXTERNAL:

- Direct the Chiefs of Ontario Secretariat to continue to hold the federal government accountable to ensure that First Nations in Ontario are funded in accordance with their needs including and identifying federal revenues.



- Direct the Ontario Regional Chief to draft a letter to Indigenous Services Canada before the May 3, 2018, Ontario Joint Gathering detailing the problems with DISCs burdensome funding processes including its heavy reliance on proposal-based funding and processes for carrying funding across fiscal years.
- Direct Canada to release regionally directed funding with the federal budget as a matter of course to First Nations for the sake of accountability and transparency.
- Call on Canada to present the Ontario First Nation Funding Equity Strategy for approval and implementation at the June 2018 All Ontario Chiefs Conference.
- Strike a Chiefs Committee to lobby the federal government for resolution to address Ontario's fair share of fiscal resources.
- Call upon the federal government to immediately begin investing in the self-determination efforts of First Nations to organize and revitalize their Indigenous institutions of governments as mandated through Budget 2018.
- Call upon the federal government to ensure that First Nations are fully engaged in co-drafting all legislation that affects and impacts First Nations.
- To remind the federal government at the May 1-2, 2018 Assembly of First Nations' Special Chiefs Assembly on Federal Legislation, that this must be seen as only one small part of the consultation and co-drafting process. The federal government must also engage directly with Indigenous Nations and the First Nation communities and grassroots' membership. There is no legitimate proxy in existence for the consultation requirements that must be done on a government to government, Nation to Nation level. First Nations will self-determine how they will engage with the federal government.
- First Nations participation in any government processes, today or in the future, will not extinguish or derogate from our inherent rights, including our inherent treaty rights and our rights under UNDRIP.



Appendix A:

(Copies of presentations are attached)