SPECIAL CHIEFS ASSEMBLY
DECEMBER 4, 5 & 6, 2012, GATINEAU, QC

Resolution no. 61/2012

TITLE:	Collaboration on a Plan-of-Action for the 2014 Equalization Agreement Negotiations and a New Fiscal Relationship with Canada and the Provinces & Territories
SUBJECT:	Sustainable Fiscal Transfers for First Nations
MOVED BY:	Chief Isadore Day, Wiindawtegowinini – Serpent River First Nation, ON
SECONDED BY:	Chief Ron Evans, Norway House Cree Nation, MB
DECISION:	Carried by Consensus

WHEREAS:

A. The United Nations Declaration on the Rights of Aboriginal Peoples, in Article 32, provides that: "states shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources."

B. First Nations peoples have occupied their lands since time immemorial and have benefited from natural resources through stewardships and relationships with the land.

C. Equalization refers to the federal transfer program that seeks to address the fiscal capacity disparities among provinces, enabling less prosperous provinces to provide their residents with public services comparable to those in other provinces.

D. The Equalization program, as negotiated between the Provinces and the Federal governments, is generated from resource extraction and the taxes and royalties from such development in First Nation and Treaty territories across Canada.

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E. Canada and the Provinces are scheduled to negotiate an new agreement in 2014, which will see new levels and program parameters as negotiated between these two parties; First Nations do not have standing or are party to these negotiations.

F. The purpose of the program was entrenched in subsection 36(2) of the *Constitution Act, 1982:* "Parliament and the government of Canada are committed to the principle of making equalization payments to ensure that Provincial governments have sufficient revenues to provide reasonably comparable levels of public services at reasonably comparable levels of taxation."

G. Despite this constitutional entrenchment, provincial governments receive and distribute Equalization funds without adhering to the *Section 35* of the *Canadian Constitution Act, 1982,* respecting the Treaty and other rights of First Nations.

H. Within the Equalization formula, First Nation peoples are included in the per capita count of each province's population, but there are great disparities between the services that are accessible to First Nations peoples and non-First Nations peoples.

I. First Nation peoples, especially in isolated and remote communities, have very little access to much needed services, compared to other residents in similar locations.

J. The federal government does not impose any conditions on provinces on how Equalization payments are spent.

K. Resolution 24-2011 *Establishing a New Fiscal Relationship between First Nations and Canada* mandates the AFN to conduct research, analysis and reports on funding transfers and the disparities between what is received by First Nations peoples compared to Canadians.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Recognize the significance and urgency for a new fiscal relationship, as it builds upon nation to nation relations between First Nations and Canada to provide necessary services and programs for people living in First Nations communities.

2. Demand that First Nations have an equal voice in discussions on all aspects of fiscal policy renewal and reform at the federal and provincial levels, including the Equalization transfer payment program.

3. Direct the National Chief and the AFN Executive to develop a position paper, legal opinion and action plan on the 2014 Equalization Payment Program Agreement negotiations.

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4. Direct the National Chief and AFN Executive to send respective letters to the Prime Minister, the Premiers, and all Members of Canadian and Provincial parliaments, demanding that First Nations be acknowledged as a party in the 2014 Equalization Payment Program Agreement being negotiated; and that an oversight table be established by the National Chief, the Executive and interested First Nation leadership to advance an immediate strategy and report back to the next assembly.

5. Direct the National Chief and Executive, in collaboration with First Nations and regional and Treaty organizations to oversee the development of a comprehensive approach and plan-of-action, based on our Inherent and Treaty rights, that First Nations may use to negotiate any fiscal relationships with the federal Crown's representatives and the province.

6. Require regular updates on the comprehensive strategy and a full presentation of the plan-of-action to the Chiefs-in-Assembly for their consideration.

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