TITLE:	First Nations Approach to Resolving Shared Territories
SUBJECT:	Shared Territories
MOVED BY:	Chief Dean Sayers, Batchewana First Nation, Ontario
SECONDED BY:	Chief Lyle Sayers, Garden River First Nation, Ontario
DECISION:	Carried by Consensus

WHEREAS:

A. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) Articles 18, 19 and 26 affirm that "Indigenous peoples have the right to participate in decision-making in matters which would affect their rights…" and that "States shall consult and cooperate in good faith with the indigenous peoples…" and that "Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired."

B. Canada has a duty to consult and accommodate First Nations arising from the honour of the Crown and the constitutional protection accorded to Aboriginal and Treaty rights under section 35 of the *Constitution Act, 1982*.

C. Under various provincial regimes (e.g., Ontario), environmental assessment processes require project proponents to consult with persons potentially affected by a proposed development project, and that this includes Aboriginal communities where interests may be so affected.

D. Proponents are required to consult with Aboriginal communities who have existing or asserted Aboriginal or Treaty rights that could be adversely affected by proposed projects, and these obligations arise from the delegation of certain procedural aspects of the Crown's duty to consult with Indigenous peoples.

E. The method used by Aboriginal Affairs and Northern Development Canada (AANDC), which assumes responsibility for identifying Aboriginal communities in the proposed area of development, is inadequate.

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F. The long term effects of colonialism and foreign settlement have led to overlaps and boundary issues between First Nations with respect to lands, resources, and development.

G. Canada's claims resolution process requirement for "surrender" within settlement agreements creates barriers to achieving reconciliation to land issues.

H. First Nations want to resolve such issues on a Nation-to-Nation basis and in a constructive manner.

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

1. Direct the AFN to develop a proposal that could lead to the establishment of a framework / mechanism to address and resolve issues of overlapping territories on a Nation-to-Nation basis.

2. Direct the AFN to present this proposal to the Chiefs-in-Assembly at the Annual General Assembly in 2013.

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