AFN Special Chiefs Assembly
December 9-11, 2008 Ottawa, ON

Resolution no. 79/2008

SUBJECT:	Natural Resource Transfer Agreement (NRTA)
MOVED BY:	Chief Ralph Paul, English River First Nation, SK
SECONDED BY:	Chief Gary Potts, Temagami First Nation, ON
DECISION:	Carried by consensus

WHEREAS:

A. *The Constitution Act,* 1930 (otherwise known as the Natural Resource Transfer Agreement and hereafter referred to as the "NRTA") and the Memorandum of Agreement between the Government of the Dominion of Canada and the Government of the Province of Saskatchewan, as a schedule to the NRTA, was enacted and agreed to between the Parliament of the Dominion of Canada, the Parliament of the Province of Saskatchewan, and the Parliament of the United Kingdom;

B. The NRTA was enacted without any consultation with any First Nation or Aboriginal group inhabiting the Province of Saskatchewan;

C. The NRTA was enacted unilaterally between the Government of Canada, the Government of the Province of Saskatchewan and the Government of the United Kingdom without any participation by any First Nation having a Treaty relationship between the Federal Government of Canada and the respective First Nations known as the numbered Treaties affecting the First Nations in the Province of Saskatchewan;

D. The NRTA purports to unilaterally transfer to the Province of Saskatchewan the right to take up resources and lands that were never ceded or surrendered by way of Treaty to the Federal Government of Canada nor did the First Nations in the Province of Saskatchewan ever cede or surrender any resources or lands to the Government of the Province of Saskatchewan , nor was any right ever agreed to or transferred by any of the First Nations in the Province of Saskatchewan to the Government of the Province of Saskatchewan to take up or use any of the lands or resources subject to the Treaties in the Province of Saskatchewan;

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E. The unilateral agreement between the Government of Canada and the Government of the Province of Saskatchewan is contrary to the provisions of the Treaties between the First Nations of the Province of Saskatchewan and the Government of Canada, it is contrary to the constitutional rights of the First Nations resident in the Province of Saskatchewan and it is contrary to the laws governing First Nations members and Aboriginal persons in the Province of Saskatchewan;

F. The NRTA is contrary to the legal and Treaty rights of all First Nation members in the Provinces of Saskatchewan, Manitoba and Alberta for similar reasons;

G. It is necessary that all members of all First Nations throughout Canada provide unity, moral, and economic support and pursue the legal and economic rights of First Nation and Aboriginal persons in Canada.

THEREFORE BE IT RESOLVED that:

1. The Chiefs-in-Assembly support English River First Nation and any other First Nation with the Provinces of Saskatchewan, Alberta and Manitoba that determine to pursue legal action against the Government of Canada and the Government of any of the Provinces of Saskatchewan, Alberta or Manitoba to set aside the *Constitution Act* of 1930 and any of its provisions that offend or infringe the economic and Aboriginal and Treaty rights of First Nations in those provinces.

2. The Chiefs-in-Assembly mandate the AFN to notify and pursue the Federal Government of Canada to take all necessary steps to set aside the purported unilateral agreement between Canada and the Provinces in the *Constitution Act* of 1930 and to request for the Government of Canada all appropriate compensation to be paid to the First Nations of Saskatchewan, Alberta and Manitoba for the improper and illegal taking up of Memorandums of Agreement between the Dominion of Canada and the respective Provinces of Saskatchewan, Alberta and Manitoba.

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