

Assembly of First Nations

50 O'Connor Street, Suite 200
Ottawa, Ontario K1P 6L2
Telephone: (613) 241-6789 Fax: (613) 241-5808
www.afn.ca



Assemblée des Premières Nations

50, rue O'Connor, Suite 200
Ottawa, Ontario K1P 6L2
Téléphone: (613) 241-6789 Télécopieur: (613) 241-5808
www.afn.ca

ANNUAL GENERAL ASSEMBLY
September 3-4-5, 2025, Winnipeg, MB

Resolution no. 22/2025

TITLE: Implementation of the Supreme Court of Canada's *Sparrow* Decision

SUBJECT: Fisheries

MOVED BY: Chief Dalton Silver, Sumas First Nation, BC

SECONDED BY: Chief Gerald Toney, Annapolis Valley First Nation, NS

DECISION Approved by the AFN Executive Committee by consensus

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- Article 26(1): Indigenous peoples have the right to lands, territories and resources which they have traditionally owned, occupied and 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 occupations or use, as well as those which they have otherwise acquired.
- B. It has been 25 years since the Supreme Court of Canada (SCC) rendered the *Sparrow Decision* (1990) that recognizes the right of First Nations to fish for food, social, and ceremonial (FSC) purposes, which take priority over all other uses of the resources, second only to conservation.
- C. There have been several other significant SCC decisions, including *Badger*, *Van der Peet*, *Adams*, *Gladstone*, *Marshall*, *Ahousaht*, *Delgamuukw*, *Haida Nation*, *Lax Kw'alaams*, *Tsilhqot'in Nation*, *Sappier*, and *Gray*, that also affirm the rights of First Nations fisheries that have yet to be respectfully implemented to the satisfaction of those appellants.
- D. The 2025 common mandate letter from the Prime Minister of Canada to all his Ministers states: "Canada is a dynamic country that celebrates our diversity, cares for the most vulnerable among us, and strives for a better future for all. The new federal Government will continue the vital work of advancing reconciliation with Indigenous Peoples. We will fight climate change. We will uphold the rule of law, protect our democratic institutions, and reinforce the unity of our country."

Certified copy of a resolution adopted on the 5th day of November, 2025 in Ottawa, Ontario

Cindy Woodhouse

CINDY WOODHOUSE NEPINAK, NATIONAL CHIEF

22 – 2025
Page 1 of 2

- E. Resolution 69/2019, *To Fully Implement the First Nations Priority Right to Food, Social and Ceremonial*, called upon Canada and Fisheries and Oceans Canada to immediately cease placing unlawful restrictions on FSC fisheries of First Nations and reminded them that the Treaties did not cede any territorial lands or waters to the Crown and guaranteed the right to hunt, fish, and gather.
- F. The Government of Canada has begun the modernization of its Policy for the Management of Indigenous Fishing under Measure 36 of the National Action Plan to implement the *United Nations Declaration on the Rights of Indigenous Peoples Act*.

THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Call on all responsible Ministers, including those of Fisheries and Oceans and Justice Canada, to pursue, develop, and enact enabling federal legislation regarding fisheries to respect and advance Supreme Court of Canada (SCC) fisheries decisions, and to uphold Aboriginal and Treaty-protected rights in a timely manner consistent with the United Nations Declaration on the Rights of Indigenous Peoples.
2. Direct the Assembly of First Nations (AFN) to seek financial and technical supports for discussions amongst First Nations who wish to participate in the development of legislation, regulation and policy for the implementation of all successful SCC decisions related to all fisheries.
3. Direct the AFN to examine the development of First Nations mechanisms that can bridge the gaps between SCC decisions, First Nations negotiations, and Crown implementation processes to ensure that all decisions are honoured and implemented effectively in a timely fashion.

Certified copy of a resolution adopted on the 5th day of November, 2025 in Ottawa, Ontario

Cindy Woodhouse

CINDY WOODHOUSE NEPINAK, NATIONAL CHIEF

22 – 2025
Page 2 of 2