
Assembly of First Nations

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Assemblée des Premières Nations

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ANNUAL GENERAL ASSEMBLY
July 24, 25 & 26, 2018, VANCOUVER, BC

Resolution no. 36/2018

TITLE: Support to Pursue Treaty Based Funding

SUBJECT: Treaties, Fiscal

MOVED BY: Chief Lee Crowchild, Tsuut'ina Nation, AB

SECONDED BY: Chief Craig Makinaw, Ermineskin First Nation, AB

DECISION: Carried; 4 Abstentions

WHEREAS:

- A. The Royal Proclamation of 1763 set out that the Crown needs a Treaty with the Indian Nations or Tribes before entering our territories.
- B. The Crown wanted to access our territories for her subjects and in return for the use of our territory, the Crown undertook certain obligations and responsibilities.
- C. The Crown promised it would honour its obligations for as long as the sun shines, the grass grows and the waters flow.
- D. The British Parliament created the state of Canada through the *British North America Act*, 1867. Section 91(24) of that Act identifies "Indians and Lands Reserved for Indians" as a subject matter of the federal government of Canada.
- E. On October 1, 1947, the Letters Patent Constituting the Office of Governor General and Commander-in-Chief of Canada were proclaimed, setting out the powers of the Governor General of Canada.
- F. The *Constitution Act*, 1982, states in section 25: "The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including:
 - i. Any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763.

Certified copy of a resolution adopted on the 26th day of July, 2018 in Vancouver, British Columbia

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- ii. Any rights or freedoms that now exist by way of land claims agreements or may be so acquired.
- G. In addition, section 35 of the *Constitution Act*, 1982 stated: "The existing Aboriginal and treaty rights of the Aboriginal peoples of Canada are hereby recognized and affirmed."
- H. Each year, the Treasury Board makes allocations from Canada's budget. These allocations should fulfill the legal obligations of the Treaties but do not.
- I. Treaty Nations should be working directly with the Governor-General who would then report to the Crown on a yearly basis on the state of the Treaty relationship, including the funds allocated by the Treasury Board.
- J. The Department of Indian Affairs and Northern Development (DIAND) is using the monies voted by Treasury Board as a weapon against Indians and violating the treaties.
- K. DIAND has refused to facilitate access by the Treaty partner to the Governor-General to make our reports on the state of our relationship.
- L. Prime Minister Trudeau said in December 2015 at the Assembly of First Nations' (AFN) Special Chiefs Assembly – that "It is time for a new fiscal relationship with First Nations that gives your communities sufficient, predictable and sustained funding" – while these words sounded great, their promise has not been fulfilled.
- M. In the three years since the Prime Minister spoke these words, the bureaucrats have not wanted to let go of the funds and continue to unilaterally control the process contrary to the Prime Minister's words and mandate letters.
- N. The Treaty relationship cannot continue through the present federal bureaucracy which acts in a manner to bring disrespect to the honour of the Crown.
- O. Indigenous Services Canada has introduced a new 10-year grant that does not fulfill treaty obligations or respect the Treaty relationship.
- P. The Treaty Nations already have an arrangement with the Crown – the subjects of the Crown can live in our territories – in exchange, we were supposed to received benefits.
- Q. The Treaty Nations need to implement a fiscal relationship directly with Treasury Board and the Department of Finance as representatives of the Government of Canada.

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

1. Support the initiative to pursue Treaty based arrangements, including yearly reporting to the Governor-General on the state of the Treaty relationship, as a mechanism to implement the relationship in the spirit and intent of the Treaties.

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