



ANNUAL GENERAL ASSEMBLY
July 9, 10, 11, 2024, Montreal, QC

Resolution no. 13/2024

TITLE: Exercise of Inherent and Treaty Rights on All Treaty/Crown Lands

SUBJECT: Rights, Treaties, Lands

MOVED BY: Chief Joe Miskokomon, Chippewas of the Thames First Nation, ON

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

DECISION Carried; 2 Opposition; 1 Abstention

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - ii. Article 37: Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements, and other constructive arrangements.
- B. First Nations have Inherent and Treaty Rights to their ancestral, traditional and Treaty lands. This includes ensuring that First Nations have access to their lands for the purposes of exercising their Inherent and Treaty rights, setting aside adequate land to fulfil the Crown's lawful obligations under claims or other agreements, and properly consulting with First Nations before making decisions which may impact First Nations' rights.
- C. All lands currently held by federal, provincial, and territorial governments as Crown lands are the ancestral, traditional, and Treaty territories of First Nations. Despite this legal reality, provincial and territorial governments across the country continue to place restrictions on First Nations' access to and use of their lands. These restrictions include the enactment of trespassing legislation and the creation of third-party interests without First Nations free, prior, and informed consent.

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- D. The Government of Canada, the provinces, and territories have a legal and moral duty to consult and cooperate in good faith with First Nations in order to obtain their free, prior and informed consent prior to implementing any changes or taking any actions that might impact First Nations ability to exercise their rights on their ancestral, traditional, and Treaty lands and territories.
- E. Some of the actions taken by provincial and territorial governments that undermine First Nations access to their ancestral, traditional, and Treaty lands and territories include the sale of Crown lands with little or no notice to First Nations, long term leases of lands, changes in the legal status of lands preventing First Nations' access, the setting aside of lands for agricultural or conservation purposes without proper consultation, and various mining/mineral staking and sale regimes. These dispositions impede all levels of government in fulfilling their lawful and honour-bound obligations to return lands to First Nations and ensure First Nations can exercise their Treaty rights on their lands and territories.
- F. The sale and long-term lease of lands, as well as reductions in access to lands breach First Nations' ability to exercise their Inherent and Treaty Rights to hunt, fish, trap and gather. The cumulative adverse affects of these decisions have severely impacted First Nations' Inherent and Treaty rights across the country.

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

1. Affirm that First Nations Inherent and Treaty rights to their ancestral, traditional, and Treaty lands take precedence over all other claims and interests and affirm that federal, provincial, and territorial governments must obtain First Nations free, prior, and informed consent for any activities that may affect First Nations Inherent and Treaty rights to ancestral, traditional, and Treaty lands and direct the Assembly of First Nations (AFN) to advocate in this regard.
2. Call on the Government of Canada to take immediate and meaningful action, consistent with the Honour of the Crown, to ensure First Nations can exercise their Inherent and Treaty rights on their ancestral, traditional, and Treaty lands.
3. Call on the Government of Canada to create formal processes, inclusive of federal, provincial, territorial and First Nations governments, to address existing approaches to the management of 'Crown' lands and ensure federal, provincial, and territorial decision making is consistent with Canada's obligations under Treaty, and international and domestic law.
4. Direct the AFN to seek funding to ensure the AFN and its regions can fully participate in these processes, including dedicated funding to support regional engagement and participation.

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