
Assembly of First Nations

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Assemblée des Premières Nations

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ANNUAL GENERAL ASSEMBLY
July 23, 24 & 25, 2019, FREDERICTON, NB

Resolution no. 41/2019

TITLE: Support for Treaty-Based Funding Arrangements and First Nations that are being impacted by existing Fiscal Relations discussions Federally

SUBJECT: Fiscal Relations/Treaty and Inherent Rights

MOVED BY: Phillip Chief, Proxy, Onion Lake Cree Nation, SK

SECONDED BY: Chief Lynn Acoose, Zagime Anishinabek, SK

DECISION: Carried; 1 abstention

WHEREAS:

- A. The Crown wanted to access our territory for her subjects. In return for the use of our territory, the Crown undertook certain obligations.
- B. The Crown must honour its obligations for as long as the sun shines, the grass grows, and the waters flow.
- C. Assembly of First Nations (AFN) Resolution 36/2018, *Support to Pursue Treaty Based Funding*, calls on continued support for Treaty Based Arrangements.
- D. To date the Crown continues to interfere in the jurisdiction of communally-held Treaty and Inherent Rights by interfering with Treaty-based funding arrangement discussions by asserting that the existing discussions with federal positions and options must be followed and are the only ones being offered, which are the 10 Year Grant and the New Contribution Agreement that requires First Nations to comply with legislation such as Bill C-27, *An Act to enhance the financial accountability and transparency of First Nations*.
- E. The current review of the existing fiscal relationship, research, and development of proposals and recommendations for the design of a new fiscal relationship was meant to move forward towards sufficient, predictable and sustained funding, and lift the 2% cap on annual funding increases to First Nations.

Certified copy of a resolution adopted on the 25th day of July 2019 in Fredericton, New Brunswick


PERRY BELLEGARDE, NATIONAL CHIEF

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- F. The Federal Government has not offered to date any options that include lifting the 2% cap on annual funding and providing for sustainability funding increases to First Nations and have instead embedded Bill C-27 in their templates, which they had promised to repeal as part of their Liberal Party.
- G. Treaty and Inherent Rights are held communally by all members within a Nation and cannot be altered or negotiated without the rights-holders, and those Nations that want to move forward with Treaty-based funding arrangements must not be restricted by federal legislation.
- H. AFN Resolution 50/2017, *Support Onion Lake Cree Nation to Pursue Treaty Based Funding* and 36/2018, *Support to Pursue Treaty Based Funding*, calls for the support of Treaty-Based Funding Arrangements for those First Nations that entered into Treaty with the Imperial Crown.
- I. The Treaty-based funding arrangement includes discussions about needs-based funding that upholds the Honour of the Crown in Right of Canada and protects Treaty and Inherent Rights of First Nations.
- J. AFN Resolution 127/2016, *Treaty-Based Funding*, calls on the Crown in Right of Canada to be inclusive of the Treaty approach as part of defining fiscal relationships. Treaty First Nations request that the AFN advocate and support Treaty First Nations on Treaty-based funding arrangements and those First Nations that are not required to comply to Bill C-27.

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

- 1. Direct the Assembly of First Nations to support Treaty First Nations in their continued work on Treaty-based funding arrangements with the Crown in Right of Canada, which are being impacted by discussions federally where the Crown in Right of Canada asserts that the existing discussions and options put forward federally must be followed and are the only ones being offered, which are the 10 Year Grant and the New Contribution Agreement that requires First Nations to comply with Bill C-27, *An Act to enhance the financial accountability and transparency of First Nations*.

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