ANNUAL GENERAL ASSEMBLY
July 15, 16, & 17, 2008, Quebec City, QC

Resolution no. 40/2008

SUBJECT:	Support for Yukon First Nations
MOVED BY:	Doug Kelly, Proxy, Shxw'ow'hamel First Nation, BC
SECONDED BY:	Chief Stewart Phillip, Penticton Indian Band, BC
DECISION:	Carried by consensus.

WHEREAS:

A. The Government of Canada transferred administration and control of public lands and resources located in the Yukon Territory to the Yukon Government in 2003 under the terms of the Yukon Devolution Transfer Agreement (the "YTDA") subject to certain conditions;

B. The Yukon Government has delegated authority with respect to the disposition of certain public lands in the Yukon Territory under the YDTA but those lands remain vested in the Crown and the Crown has the legal responsibility to ensure that its agent, the Yukon Government, is fulfilling its constitutional duties with respect to any disposition of public lands and resources;

C. The Supreme Court of the Yukon held in May 2007 that the Crown has a legal duty to engage in meaningful consultations with a Yukon First Nation when it considers a proposed activity, including the disposition of lands and resources, that may infringe the rights, titles and interests of the Yukon First Nation and, if necessary, take steps to accommodate the concerns raised by the Yukon First Nations during the consultations; and

D. The Yukon First Nations assert that the Yukon Government refuses to comply with the current law in Canada or the terms of our Final Agreement when it proposes to dispose of public lands and resources.

Certified copy of a resolution adopted on the 17th day of July, 2008 in Quebec City, QC.

Phil Fontaine, National Chief

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs-in-Assembly call upon the Government of Canada issue written instructions under the *Yukon Act* (Canada) directing the Yukon Government to fulfill the constitutional duties owed by the Crown to the Yukon First Nations with respect to the disposition of lands and resources and, in particular, to develop a consultation and accommodation process with the Yukon First Nations based on the principles outlined by the courts and established by the Yukon First Nations, including: the intent to move towards reconciliation; upholding the Honour of the Crown; consultation at the first knowledge of infringement of established or potential rights; provision of information in a timely manner; funding to support First Nations' involvement in processes (including necessary research); meaningful dialogue; and, written justification for activities and proposals for accommodation.

2. The Chiefs-in-Assembly call upon the Government of Canada to take back lands from the Yukon Government under the YDTA or prohibit the issuance of interests or the authorization of the conduct of activities by the Yukon Government in relation to such lands under the YDTA if the Yukon Government refuses to comply with the law of Canada and fulfill its constitutional duties with respect to specific dispositions.

Certified copy of a resolution adopted on the 17th day of July, 2008 in Quebec City, QC.

Phil Fontaine, National Chief