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

Resolution no. 04/2008

SUBJECT:	Treaty Implementation
MOVED BY:	Chief Isadore Day, Serpent River First Nation, ON
SECONDED BY:	Chief Patrick Madahbee, Aundek-Omni-Kaning, ON
DECISION:	Carried (1 opposed, 1 abstention).

WHEREAS:

A. Treaty making represents an exercise of the governing and diplomatic powers of the nations involved to recognize and respect one another and to make commitments to a joint future;

B. Treaty making has been the nation to nation process through which relationships between First Nations peoples and non-First Nations peoples have traditionally been formalized;

C. In entering into Treaty agreements with Indigenous Nations, the Crown recognized the nationhood of its treaty partners;

D. The treaties recognize the land rights and jurisdiction of Indigenous Nations as essential components of the Treaty agreements;

E. The *Indian Act* is fundamentally inconsistent with the spirit and intent of Treaties and its continued application to First Nations undermines and distorts the Treaty relationship;

F. The Honour of the Crown is a legal imperative that requires the Crown to honour its promises and commitments;

G. The United Nations Declaration on the Rights of Indigenous Peoples states that *"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"*; and

H. First Nations and the Crown participated in the National Treaty Conference on March 26-27, 2008 in Saskatoon, SK.

Certified copy of a resolution adopted on the 16th day of July, 2008 in Quebec City, QC.

Phil Fontaine, National Chief

I. These Treaty rights are entrenched in Section 35 of the Constitution Act of Canada.

THEREFORE BE IT RESOLVED that:

1. The Chiefs-in-Assembly, believe that the fundamental relationship with the Crown has been made and formalized through Treaties.
2. The Chiefs-in-Assembly, declare that the Crown is required by International Law and the Honour of the Crown to participate in Treaty processes and to give effect to treaty rights and promises as a continuing process occurring in the context of the Treaty relationship previously established.
3. The recommendations of the Royal Commission on Aboriginal Peoples (RCAP), with appropriate modifications based on agreement, can serve as a guide to First Nations and the Crown to achieve implementation of the treaties.
4. That any future process of Treaty implementation and renewal shall respect the original Treaty relationship standards and principles and include:
   - that entry into treaty implementation and renewal is voluntary;
   - that Treaty implementation and renewal processes must be joint between the Crown and First Nations and engage decision-makers at the highest political levels;
   - that any agreements or legislation developed in connection with the continuation of the treaty process is without prejudice to existing aboriginal and treaty rights;
   - that renewed Treaty processes should proceed on the basis of short, medium and long-term implementation;
   - that the Crown shall provide adequate long-term resources so that Treaty-making and Treaty-implementation and renewal processes can achieve their objectives; and
   - that ultimately Treaty implementation will serve to displace the *Indian Act* as required to uphold the spirit and intent of Treaties.

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Phil Fontaine, National Chief