

Assembly of First Nations

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Assemblée des Premières Nations

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ANNUAL GENERAL ASSEMBLY
September 3-4-5, 2025, Winnipeg, MB

Resolution no. 06/2025

TITLE:	Treaty and Inherent Rights to Trade
SUBJECT:	Treaty, Governance
MOVED BY:	Chief Lance Haymond, Kebaowek First Nation, QC
SECONDED BY:	Chief Brent Niganobe, Mississauga First Nation, ON
DECISION	Carried; 1 Opposition; 7 Abstention

WHEREAS:

- A. Articles 20 and 36 of the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) affirm that Indigenous Peoples have the right to maintain and develop their political, economic, and social systems and to engage freely in traditional and other economic activities, including trade, and that Indigenous peoples separated by international borders have the right to maintain and develop contacts, relations and cooperation across borders.
- B. First Nations maintain that they have Inherent rights to trade and trade relations, including the right to cross the Canada–United States (US) border freely, consistent with Treaty and traditional practices that predate colonial boundaries and policies.
- C. These rights were recognized by Chiefs-in-Assembly Resolution 15/2009, *Nation to Nation Trade*, which declared that First Nations have not extinguished the right to Nation-to-Nation trade under any agreements entered into with the federal or provincial Crown.
- D. First Nations continue to pursue economic ventures to improve the socioeconomic conditions of their Nations, and a key component of these ventures is national and international trade that is rooted in Inherent rights and historical practices.
- E. The Jay Treaty of 1794 acknowledged the right of Indigenous Peoples to engage in commerce and cross borders freely, reinforcing pre-existing customs of trade and mobility that First Nations continue to uphold today.
- F. Since his re-election, US President Donald Trump publicly threatened to impose a 25% tariff on Canadian imports, reigniting concerns regarding the impacts of trade policy on Indigenous economic interests.

Certified copy of a resolution adopted on the 5th day of September, 2025 in Winnipeg, Manitoba

Cindy Woodhouse

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06 – 2025
Page 1 of 2

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- G. Tariffs are taxes on imported goods that can drive up the costs of consumer products and materials used by First Nations businesses and communities, particularly in sectors reliant on cross-border trade, such as food, energy, fuel, vehicles, electronics, and resource development.
- H. The threat of tariffs has reinvigorated discussions among First Nations regarding their rightful place in trade and commerce dialogues, particularly in light of the extraction of critical minerals and resources from Treaty and traditional territories—decisions about which require meaningful consultation and participation by First Nations.
- I. The imposition of tariffs without First Nations inclusion in these decisions would violate Inherent and Treaty rights and would negatively impact the ability of First Nations to conduct economic activities and cross-border trade.

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

- 1. Direct the Assembly of First Nations (AFN) to support the Federation of Sovereign Indigenous Nations (FSIN) in securing funding from the Treaty Rights Protection Fund to obtain a legal opinion exploring the recognition of an Aboriginal and Treaty right to cross-border trade.
- 2. Direct the AFN to urge the federal government to include First Nations in all discussions and negotiations related to tariffs and trade policies, particularly where such policies impact the movement of goods, resources, and commerce tied to Treaty and traditional territories.
- 3. Call upon the Government of Canada to formally recognize First Nations' Inherent and Treaty rights to conduct trade and commerce, both nationally and internationally, and to enshrine this recognition in Canadian trade policy and legislation.

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Page 2 of 2