SPECIAL CHIEFS ASSEMBLY
DECEMBER 14, 15 & 16, 2010, GATINEAU, QC

Resolution no. 67/2010

TITLE:	Establishment of a National Mechanism for the Negotiation and Implementation of Supreme Court Decisions regarding Fisheries
SUBJECT:	Fisheries
MOVED BY:	Grand Chief Ed John, Proxy, Nak'azdli Indian Band, British Columbia
SECONDED BY:	Chief Lydia Hwitsum, Cowichan Tribe, British Columbia
DECISION:	Carried by Consensus

WHEREAS:

A. Indigenous peoples of Canada have constitutionally protected Aboriginal and Treaty rights, which include the right to traditional and customary governance of traditional lands, waters and resources, including fisheries.

B. On November 12, 2010, Canada signalled its support for the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)".

C. Canada is obliged to follow the principles established in the articles of UNDRIP, including those of Articles 5, 21, 23, and 27 which recognize the rights for indigenous peoples to develop, maintain, strengthen, and control their distinct political, legal, economic, social, and cultural institutions and practices, and Article 20 (2) which states that "Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress".

D. Significant Supreme Court of Canada Decisions such as Gladstone, Marshall, Ahousaht, Delgamuukw, Haida, and Sparrow have recognized the right for First Nations to participate and exercise governance over traditional fisheries.

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E. The Government of Canada has not honourably fulfilled, implemented, or acted in good faith to fulfill its legal duties to implement several aspects of various court decisions as determined by the Supreme Court of Canada.

F. Government of Canada has stated in the Speech from the throne, "It will introduce new legislation to reform Canada's outdated system of fisheries management".

G. New Federal Legislation may be required to move these and other Supreme Court Decisions forward on behalf of First Nations across Canada, both Treaty and Non-treaty.

H. AFN Resolution 83-2008, Strengthened and Renewed Mandate for the National Fisheries Strategy to Fully Share in Economic Opportunities, directs the AFN with a strengthened mandate to examine new initiatives which includes the support for the development of new supportive bodies, and undertake a review and assessment of First Nations court decisions.

I. The Assembly of First Nations supports the development of First Nation mechanisms that can bridge the gaps between Supreme Court Decisions, First Nations negotiation and Crown implementation processes so that these decisions are honoured and implemented effectively.

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

1. Direct the AFN to facilitate discussions with those First Nations who wish to participate in the scope, mandate, and framework for a body that will support the establishment of National Secretariat to promote the implementation of all successful Supreme Court Decisions as well as Aboriginal and Treaty Rights.

2. Direct the AFN to provide political and technical support to a multi-pronged permanent body that will bring high level mechanisms that can integrate comprehensive negotiation strategies that can assist First Nations negotiation tables on fisheries management and increased economic access.

3. Where necessary and on behalf of First Nations which choose to participate, direct the AFN to assess, facilitate and promote the development and enactment of federal legislation to implement Aboriginal and Treaty Rights confirmed by successful Supreme Court decisions.

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