ANNUAL GENERAL ASSEMBLY
JULY 12, 13 & 14, 2011, MONCTON, NB

Resolution no. 13/2011

TITLE:	Review of the Potential Impacts of Administrative Law on Aboriginal & Treaty Rights
SUBJECT:	Aboriginal & Treaty Rights
MOVED BY:	Chief William Montour, Six Nations of the Grand River, ON
SECONDED BY:	Grand Chief Konrad Sioui, Huron Wendat Nation, QC
DECISION:	Carried by Consensus – 1 abstention

WHEREAS:

A. Article 3 of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) affirms: "Indigenous peoples have the right to self-determination. By virtue of that right, First Nations can freely determine their political status and freely pursue their economic, social and cultural development."

B. The inherent right of self-government of First Nations includes the right of each First Nation to determine for itself how its jurisdiction and powers will be exercised.

C. Each First Nation has the right to determine, use and change the institutions, structures and processes by which it will implement its jurisdiction and exercise its powers.

D. Non-First Nation governments in Canada have established, for their own purposes, various administrative tribunals, commissions and boards to exercise their regulatory, dispute resolution, advisory and other functions.

E. The existing body of "administrative law" governing these administrative tribunals, commissions and boards is not, in certain circumstances, consistent with the Aboriginal and Treaty Rights of First Nations, including their inherent right of self-government and their traditional laws and customs.

F. Aboriginal and Treaty Rights override administrative law.

Certified copy of a resolution adopted on the 13th day of July, 2011 in Moncton, New Brunswick

SHAWN A-IN-CHUT ATLEO, NATIONAL CHIEF

13 - 2011

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

1. Mandate the National Chief of the Assembly of First Nations to take all action necessary to ensure Federal and Provincial governments do not attempt to use administrative law to override Aboriginal and Treaty Rights.

2. Direct the National Chief, within two years of the passage of this resolution, to make recommendations to the Chiefs-in-Assembly as to the specific steps that could be taken to help protect the exercise by First Nations of their inherent right to self-government in the areas of the establishment, jurisdiction, operations and processes of such regulatory, dispute resolution and advisory bodies as they see fit to create.

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