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

Resolution no. 22/2011

TITLE:	Inherent Right of Nation to Nation Trade
SUBJECT:	Tobacco / Traditional Practices
MOVED BY:	Chief Bonny Acoose, Sakimay First Nation, SK
SECONDED BY:	Chief Shining Turtle, Whitefish River First Nation, ON
DECISION:	Carried by Consensus

WHEREAS:

A. First Nations have Inherent Rights that include the right to maintain our cultures and practice our spiritual ceremonies and traditions (Articles 12 & 13, *United Nations Declaration on the Rights of Indigenous Peoples*, 2007).

B. Tobacco is an important component of our cultures and has been part of our ongoing participation in a trade system that extended across the North and South American continent and continues to be part of our economies.

C. "Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities." under the *United Nations Declaration on the Rights of Indigenous Peoples*, and guaranteed under Section 35(1) of the *Constitution Act, 1982*.

D. Provincial governments have chosen to disregard and disrespect our Inherent and Treaty Rights by enacting legislation which attempts to regulate and limit our access to tobacco, and thereby negatively impacting our ability to maintain our cultures, and practices our spiritual ceremonies and traditions.

Certified copy of a resolution adopted on the 14th day of July, 2011 in Moncton, New Brunswick

SHAWN A-IN-CHUT ATLEO, NATIONAL CHIEF

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

1. Direct the Assembly of First Nations (AFN) to assert and advocate for the recognition of tobacco use and trade as an Aboriginal Right which is protected under Section 35 of the *Constitution Act, 1982*.
2. Affirm the First Nations' Inherent Right to trade within and between Nations as pursued since time immemorial, including the right to acquire, possess, store, transport, handle, trade, regulate, or retain First Nation-manufactured products, in particular tobacco products, without restriction as to quantity or proposed or actual use or disposition.
3. Direct the AFN to work to uphold this inherent right to Nation to Nation trade, and to inform the Crown governments that any infringement on the inherent right of Nation to Nation trade will not be tolerated.
4. Direct the AFN to work with the appropriate Ministers for one purpose of establishing federal recognition of First Nations jurisdiction over its industries including tobacco.
5. Recognize regional initiatives to ensure the exclusion of First Nations from Provincial legislation in the regulation of the tobacco industry which will negatively impact on our Inherent and Treaty Rights.

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SHAWN A-IN-CHUT ATLEO, NATIONAL CHIEF