
Assembly of First Nations

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Assemblée des Premières Nations

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SPECIAL CHIEFS ASSEMBLY
December 9, 10 & 11, 2014, WINNIPEG, MB

Resolution no. 38/2014

TITLE: Support for the Development of a Report on Natural Resources

SUBJECT: Economic Development

MOVED BY: Chief Randy Ermineskin, Ermineskin First Nation, AB

SECONDED BY: Chief Maureen Chapman, Skawahlook First Nation, BC

DECISION Carried by Consensus

WHEREAS:

- A. Treaties exist and are valid, which form the basis of the *Constitution Act, 1982* within the country called Canada as outlined and expressed in the *Paulette* case in the Supreme Court of Canada in 1976, and other court decisions such as the *William* case in the Supreme Court of Canada in 2014.
- B. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) states:
 - i. Article 32, (1): "Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources."
- C. The United Nations Guiding Principles on Business and Human Rights cites principles grounded in recognition of:
 - i. States' existing obligations to respect, protect and fulfil human rights and fundamental freedom;
 - ii. The role of business enterprises as specialized organs of society performing specialized functions, required to comply with all applicable laws and to respect human rights;
 - iii. The need for rights and obligations to be matched to appropriate effective remedies when breached.
- D. At the time of Confederation, the federal government transferred the title and management of natural resources to the provinces and sold the title to natural resources to the provinces without any consultation, consent, or paying any equitable compensation for those resources, which contributed to the impoverishment of Indigenous nations.

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PERRY BELLEGARDE, NATIONAL CHIEF

38 – 2014
Page 1 of 2

- E. The Working Group on Natural Resources Development (WGNRD) was launched in December 2013 by the Assembly of First Nations (AFN) and Aboriginal Affairs and Northern Development Canada (AANDC) to begin a national conversation that examines and identifies ways to ensure that First Nation citizens and communities have the opportunity to participate and share in the full range of benefits resulting from natural resource development projects.
- F. In good faith, the WGNRD will work to honour the direction of recent Supreme Court of Canada decisions to reconcile s.35 of the *Constitution Act, 1982* and s.92 of the *Constitution Act, 1867*. First Nations were never consulted, never gave their consent, nor received equitable consultation for their resources.
- G. The WGNRD is not intended as a consultation process, nor as an extension of duties held by the Crown; rather, this is an independent and voluntary study inviting First Nation leaders, industry experts, government and others to contribute to a dialogue on ideas that supports and facilitates First Nations full involvement in the resourced based economy.
- H. Following the report made in July 2014 to the Chiefs-in-Assembly, the WGNRD began its work, taking into consideration the objectives articulated in AFN Resolution 80/2011 and held two working sessions in November 2014.
- I. Given the potential for increased First Nations participation in the resource economy, it is imperative that the WGNRD continue its work.

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

1. Call upon the National Chief to support and assist the Working Group on Natural Resources Development (WGNRD) in continuing its work and to communicate to the Minister of Aboriginal Affairs and Northern Development Canada (AANDC) the urgency of supporting this work and First Nation full involvement and recognition of First Nations' authority and jurisdiction in the economy, including the resource sector.
2. Call upon the National Chief and AFN Chiefs Committee on Economic Development to support the WGNRD to coordinate a meeting with other levels of government and jurisdictions involved in resource development planning and promoting the duty to involve First Nations.
3. Recommend that the WGNRD continue its work, during which time it can further examine, research, and invite input on actions required going forward, with a report to the Chiefs-in-Assembly in July 2015.
4. Instruct the Working Group to identify a communications plan and present their finding and observations to parliamentarians, Canadians, industry, international community of interest and others.
5. Call upon the federal and provincial governments to create a table to address historic grievances of Indigenous nations, regarding the historical development and exploitation of natural resources taken from our traditional territories, without our consultation or consent, and pay equitable compensation to the Indigenous nations for these historical injustices.

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