
Assembly of First Nations

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Assemblée des Premières Nations

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SPECIAL CHIEFS ASSEMBLY
December 6,7, and 8, 2022, OTTAWA, ON

Resolution no. 41/2022

TITLE: Rejection of The Saskatchewan First Act and Sovereign Alberta within a United Canada Act

SUBJECT: Lands and Resources

MOVED BY: Heather Bear, Proxy Lac La Ronge Indian Band, SK

SECONDED BY: Chief Nelson Genaille, Sapotaweyak Cree Nation, MB

DECISION Carried; 1 abstention

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration) was adopted by the Government of Canada without qualification and passed legislation affirming:
- i. Preambular paragraph 18: Convinced that the recognition of the rights of Indigenous Peoples in this Declaration will enhance harmonious and cooperative relations between the State and Indigenous Peoples, based on principles of justice, democracy, respect for human rights, non-discrimination, and good faith.
 - ii. Article 1: Indigenous Peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.
 - iii. Article 2: Indigenous Peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their Indigenous origin or identity.

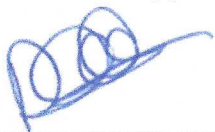
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- iv. Article 18: Indigenous Peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own Indigenous decision-making institutions.
 - v. Article 19: States shall consult and cooperate in good faith with the Indigenous Peoples concerned through their own representative institutions in order to obtain their free, prior, and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - vi. Article 43: The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the Indigenous Peoples of the world.
- B.** The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls Calls for Justice, as legal imperatives called upon all governments to:
- i. 1.2 Implement and fully comply with all relevant rights instruments (like UNDRIP and the 3rd Protocol to the United Nations Convention on the Rights of the Child).
- C.** On June 21, 2021, the United Nations Declaration on the Rights of Indigenous Peoples Act received Royal Assent. The United Nations Declaration on the Rights of Indigenous Peoples Act commits Canada to immediately undertaking three key actions to proceed with implementation of the UN Declaration that will directly impact all First Nations.
- D.** The United Nations Declaration on the Rights of Indigenous Peoples Act commits Canada, “in consultation and cooperation with Indigenous Peoples”, to:
- i. take all measures necessary to ensure the laws of Canada are consistent with the UN Declaration pursuant to Section 5.
- E.** Indigenous Peoples have the inherent right to their Aboriginal Title, lands, territories, resources, and waters, which they have historically owned, occupied or otherwise used or acquired.
- F.** Premier Scott Moe introduced The Saskatchewan First Act (“Bill 88”) for first reading on November 1, 2022, which asserts Saskatchewan’s exclusive jurisdiction over natural resources within the province.
- G.** In 1930, the federal government transferred assumed responsibility to the provinces of Manitoba, Saskatchewan, and Alberta under the Natural Resource Transfer Act, 1930 (NRTA) via the Constitution Act.

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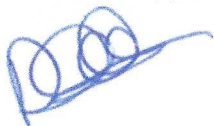
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- H. This assumed transfer of the administration and control over the lands and natural resources to the provinces was done without the consent or consultation with the First Nations in the three aforementioned provinces.
- I. First Nations assert that they did not relinquish, cede nor surrender rights to the natural resources at the time of Treaty negotiations, but rather agreed to share the land to open it up for settlement, sharing six inches, or a plough depth, for agricultural purposes.
- J. First Nations in Saskatchewan do not benefit from the resource wealth from their ancestral, traditional, and Treaty territories, despite the fact that much of Canada's economy has been built from the extraction of natural resources from First Nations' territories.
- K. The Chiefs of Saskatchewan have always rejected the NRTA 1930, and its implications, and have called on the provincial and federal governments for decades to enter into Resource Revenue Sharing agreements so that all peoples benefit from the Treaties.
- L. On November 29, 2022, newly elected Premier Danielle Smith of Alberta tabled Bill 1: "Sovereign Alberta within a United Canada Act" (the "Act") in the legislative assembly of Alberta.
- M. The Act will give the Province of Alberta the "right" to ignore federal legislation, regulations, programs, policies or any decisions by the Government of Canada that it deems to overreach onto Alberta's legislative jurisdiction, or it deems that could be "harmful" to Alberta.
- N. The Act also gives the power to cabinet to change legislation unilaterally and behind closed doors, without any debate or transparency, which is inherently a violation of the constitutional structure of a constitutional monarchy.
- O. The Government of Alberta can use the Act to circumvent environmental protections, and any protections over First Nations lands and resources and proceed with resource development without the knowledge or free, prior and informed consent of the Treaty Chiefs.
- P. On November 18, 2022, the Alberta Chiefs rejected the Act.

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

- 1. Support First Nations in rejecting The Saskatchewan First Act (Bill 88) and to immediately repeal its introduction.

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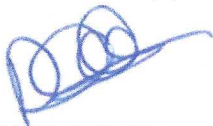
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2. Support the First Nations demanding for the withdrawal of the Sovereign Alberta within a United Canada Act.
3. Support First Nations to call on the provinces of Saskatchewan and Alberta to immediately engage in meaningful and respectful dialogue on resource revenue sharing, so that First Nations benefit from the resource wealth in their respective traditional territories.
4. Call on the Government of Canada to immediately address provincial and territorial encroachment on First Nations' sovereignty, rights, and title.
5. Direct the Assembly of First Nations (AFN) to immediately formally reject these laws that abrogate and negate First Nations sovereignty, rights, and title via a letter or official communique.
6. Direct the AFN to commission a comprehensive legal analysis on the issue of territorial and provincial legislative encroachment on First Nations' sovereignty, rights, and title.
7. Direct the AFN to not only include legislation such as the Natural Resource Transfer Act (1930), but to also include the Saskatchewan First Act (Bill 88), and the Sovereign Alberta within a United Canada Act in their comprehensive legal analysis.
8. Direct the AFN to report back to the First Nations-in-Assembly at the next Assembly, on the comprehensive legal analysis on territorial and provincial encroachment on First Nation sovereignty, rights, and title.

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