SPECIAL CHIEFS ASSEMBLY
DECEMBER 6, 7 & 8, 2011, OTTAWA, ON

Resolution no.80/2011

TITLE:	Resource Revenue / Benefit Sharing with First Nations
SUBJECT:	Aboriginal & Treaty Rights
MOVED BY:	Chief Bart Hardy, Biinjitiwaabik Zaaging Anishinaabek, ON
SECONDED BY:	Chief Peter Collins, Fort William First Nation, ON
DECISION:	Passed by the AFN Executive Committee

WHEREAS:

A. Article 27 of *The United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) declares: "States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories, and resources, including those which were traditionally owned or otherwise occupied or used [and] Indigenous peoples shall have the right to participate in this process."

B. Article 32 of the UNDRIP further declares: "States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources."

C. First Nations possessed and exercised full jurisdiction over all lands in North America since time immemorial. First Nations have never ceded their jurisdiction nor ownership of their lands.

D. First Nations in Canada have inherent Aboriginal and treaty rights with respect to the resources within their territories, where the land rights and jurisdiction of First Nations are essential components of the treaties that included sharing the wealth of the land and its resources.

Certified copy of a resolution adopted on the 19th day of December, 2011 in Ottawa, Ontario

SHAWN A-IN-CHUT ATLEO, NATIONAL CHIEF

E. The Provinces, Territories and the Government of Canada continue to benefit from the extraction and development of resources on First Nation traditional territories without compensation or land in contravention of First Nation inherent title and/or treaty right to the land.

F. The position of the First Nations stems from their relationship with the Crown as set out in the negotiation of Treaties; which indicate that both parties are to benefit from the sharing of resources.

G. First Nations have a history and obligation to further benefit and enter into partnerships which focus on resources, revenues, and properties, which are solidified in the treaties and other forms of agreements.

H. Resource revenue sharing is a complex and contentious issue, one which intrudes into a broader set of political, constitutional, jurisdictional, economic and policy considerations.

I. Resource revenue and/or benefit sharing cannot be looked in isolation, treaty implementation, consultation, accommodation, co-management of resources, self-government, and comprehensive claims settlement are all part of the aspirations of the First Nations, and have a substantial bearing on land access issues for industry.

J. First Nations have the necessary moral and legal leverage to slow or halt development until their priorities and interests are meaningful and reconciled with the non-First Nation interests.

K. Many First Nations in Canada are mandated to build the economy for the benefit of all First Nations citizens within their traditional territories.

L. First Nations believe that if governments shared a portion of revenues, derived from natural resource extraction within their territories, these revenues would; provide economic benefits to First Nation communities; form a basis for First Nation communities to build towards economic self-sufficiency; facilitate direct participation in industry by First Nation peoples; and, encourage First Nation participation in resource extraction on their traditional lands.

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

1. Direct the Assembly of First Nations to undertake a study that will research other jurisdictions and discuss the past, present and future resource revenues and benefits that have or will generate royalties, partnerships, taxation, fees, licenses, permits, sales, rentals, and agreements; and that restitution including retroactive annuities should be sought from these activities.

2. Direct the National Chief to urge both the Canadian and Provincial governments that a tripartite process is required, so that the gap between governments and First Nations' expectations regarding Resource Revenue / Benefit Sharing can be eliminated, allowing future economic sustainability and contribution that will further support the First Nation communities in Canada.

3. Direct the National Chief to meet with the Government of Canada to explore a more comprehensive dialogue regarding Resource Revenue / Benefit Sharing with First Nations with a firm commitment of capacity development resources regionally.

4. Support activity that advances the United Nations Declaration on the Rights of Indigenous Peoples, benefits and empowers principles of First Nation self-determination, and helps bring accurate information to the public.

Certified copy of a resolution adopted on the 8th day of December, 2011 in Ottawa, Ontario

SHAWN A-IN-CHUT ATLEO, NATIONAL CHIEF