
Assembly of First Nations

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Assemblée des Premières Nations

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SPECIAL CHIEFS ASSEMBLY
December 5, 6 & 7, 2017, Ottawa, ON

Resolution no. 75/2017

TITLE: National Day of First Nations Fishing Rights

SUBJECT: Environment / Fisheries

MOVED BY: Chief Scott McLeod, Nipissing First Nation, ON

SECONDED BY: Chief Dalton Silver, Sumas First Nation, BC

DECISION: Carried by Consensus

WHEREAS:

A. The United Nations Declaration on the Rights of Indigenous People states:

- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities.
- ii. Article 32 (2): 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.
- iii. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

B. Indigenous peoples of Canada have constitutionally protected Aboriginal and Treaty rights, which include the right to traditional and customary governance of traditional lands, waters and resources, including fisheries.

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- C. Significant Supreme Court of Canada decisions such as *Gladstone*, *Marshall*, *Ahousaht*, *Delgamuukw*, *Haida*, and *Sparrow* (among many others) have recognized the rights of First Nations to fish and exercise governance over their traditional fisheries.
- D. The Canadian *Holidays Act* has already proclaimed a statutory holiday in Canada on the first Monday immediately preceding May 25 under the name of "Victoria Day" that commemorates a period in British history when many Treaties were signed.
- E. On October 3, 2017, on the traditional territory of the Nipissing First Nation, the National Fisheries Committee reached consensus and recommended to the Assembly of First Nations that a day to honour the inherent rights of First Nations fishermen should be declared.

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

- 1. Recognize as the first Monday immediately preceding May 25 a National Day of First Nation Fishing Rights to re-affirm and exercise our inherent rights to fish and manage our own resources.

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