



APNQL
ASSEMBLÉE DES PREMIÈRES NATIONS
QUEBEC-LABRADOR

AFNQL
ASSEMBLY OF FIRST NATIONS
QUEBEC-LABRADOR

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RESOLUTION N^o 04-2023

ALLIANCE FOR THE DEFENCE OF THE ST. LAWRENCE RIVER

WHEREAS the First Nations governments consider the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) to be universal international human rights instrument whose principles are legitimately a source of interpretation for domestic law, and whose articles 18, 19, 25, 29 and 32 are devoted to the rights of indigenous peoples to preserve and protect their environment; and

WHEREAS the UNDRIP was adopted by the Government of Canada without reservation and became proclaimed law. It states:

- i) Article 18: Indigenous peoples have the right to participate in decision-making on matters that may affect their rights, through representatives chosen by themselves in accordance with their own procedures, and the right to maintain and develop their own decision-making institutions;
- ii) Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned, through their own representative institutions, before adopting and implementing legislative or administrative measures that may affect them, in order to obtain their free, prior and informed consent;
- iii) Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with the lands, territories, waters and coastal seas and other resources which they have traditionally owned or otherwise occupied and used, and to uphold their responsibilities to future generations in this regard;
- iv) Article 29 (1): Indigenous peoples have the right to the preservation and protection of their environment and the productive capacity of their lands or territories and resources. To these ends, states shall establish and implement programmes of assistance for indigenous peoples, without discrimination of any kind;

- v) Article 29 (2): States shall take effective measures to ensure that no hazardous materials are stored or discharged on the lands or territories of indigenous peoples without their free, prior and informed consent;
- vi) Article 29 (3): States shall also take effective measures, as appropriate, to ensure that monitoring, prevention and health care programmes for Indigenous peoples affected by such materials, designed and carried out by them, are adequately implemented;
- vii) Article 32 (1): Indigenous peoples have the right to identify and establish priorities and strategies for the development and use of their lands or territories and other resources;
- viii) Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions, with a view to obtaining their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, including the development, utilization or exploitation of mineral, water or other resources;
- ix) Article 32 (3): States shall establish effective mechanisms to provide fair and equitable redress for any such activities and adequate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impacts.

WHEREAS the St. Lawrence River (hereinafter the "River") is located in the heart of the ancestral territory of several First Nations and plays a central role in the identity, history, culture and economy of the First Nations, who have navigated the River for thousands of years and have practiced traditional activities that have contributed to the development of ancestral knowledge and rights; and

WHEREAS the First Nations are Nations in their own right, who have established over the millennia on their unceded ancestral territories, their own governments, languages, laws and practices for the benefit of their populations, that they have maintained the sustainable development of their territories and resources, in respect of the traditional teachings as given by the Creator; and

WHEREAS the First Nations in Quebec-Labrador have acted as ancestral Guardians of the territory and waters, including the River and its tributaries, since time immemorial; and

WHEREAS the governments of the First Nations of Quebec-Labrador hold ancestral and treaty rights to their territories and its resources. And

WHEREAS in *Delgamuukw v. British Columbia*, [1997] 3 SCR 1010, the Supreme Court of Canada affirmed the rights of Indigenous peoples to land and the right to determine its use by requiring the full consent of Indigenous nations for government activities on lands subject to Indigenous title

WHEREAS the health, protection and sustainability of the St. Lawrence River are essential to the exercise of these Indigenous rights; and

WHEREAS First Nations have an inherent and generic right to self-government, which exists independently of section 35 of the Constitution Act, 1982, which includes the ability to develop and enforce their own laws in all matters relating to the preservation and protection of their environment; and

WHEREAS the Chiefs of the AFNQL, gathered in assembly on October 21, 2021, affirmed with one voice, through the adoption of a Declaration on the territories and its resources, that the First Nations hold Indigenous and treaty rights, including Indigenous title, on their respective territories, and agree on common and shared principles in the face of the realization that the current situation is untenable for the future of their peoples, namely:

- Free, prior and informed consent
- The co-management of the territory
- Conservation of the territory
- Royalties to be collected by the First Nations; and

WHEREAS the AFNQL Chiefs are determined to pursue the affirmation and defence of the integrity of their territories and its resources and are committed to do so by all means they deem appropriate; and

WHEREAS the River is facing several imminent threats that jeopardize the very existence and way of life of those who depend on it for their well-being; and

WHEREAS the River shelters and supports a rich diversity of ecosystems, including several threatened species, and fulfills various ecological functions essential to their survival; and

WHEREAS indigenous communities around the world have taken steps to ensure that ecosystems have basic rights and are recognized as subjects of law; and

WHEREAS the recognition of rights to the River aims at the recognition of indigenous legal traditions in a context of legal pluralism, which are based on a symbiotic relationship with the land; and

WHEREAS the laws and legal traditions of the First Nations and all of their ancestral rights are prior and take precedence over other non-Indigenous legal orders which must comply with them; and

WHEREAS Bill C-271 An Act to give legal capacity to the St. Lawrence River and to provide for measures respecting its protection was introduced for first reading in the House of Commons of Canada on May 5, 2022;

WHEREAS Bill No. 990 An Act to confer rights on the St. Lawrence River was introduced in the Quebec National Assembly on May 5, 2022; and

WHEREAS the AFNQL Chiefs wish to build an Alliance for the defence of the River and its fisheries resources, aiming at proposing a law granting a legal personhood status of the River based on a governance model determined by the First Nations themselves; and

THEREFORE :

BE IT RESOLVED THAT as the Chiefs-in-Assembly, as representatives of the inherent Guardians of the St. Lawrence River and its watersheds, hereby declare that the St. Lawrence River has a legal personhood;

BE IT RESOLVED THAT the Chiefs-in-Assembly here by affirm that First Nations as Guardians of the territory, must be considered in any and all legislative developments aimed at granting personhood rights to the St. Lawrence River;

BE IT RESOLVED THAT the Chiefs-in-Assembly further affirm that adequate consultation and explicit consent of First Nations must be obtained prior to any legislative developments concerning the recognition of rights to the River;

BE IT RESOLVED THAT the AFNQL Regional Chief is hereby mandated to explore the possibility of creating an Alliance with all First Nations interested and ready to mobilize for the defence of the River;

BE IT RESOLVED THAT the Regional Chief report back to the Assembly of Chiefs at a future meeting.

MOVED BY: Chief Martin Duffour

SUPPORTED BY: Celine Cassivi, proxy Gespeg

ADOPTED BY CONSENSUS ON: April 19, 2023



Ghislain Picard
Chief of the AFNQL