
Assembly of First Nations

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Assemblée des Premières Nations

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ANNUAL GENERAL ASSEMBLY
July 6, 7 & 8, Ottawa (Ontario)

Resolution no. 07/2021

TITLE: Creation and Implementation of Legislation for First Nations Policing as an Essential Service

SUBJECT: Policing, Public Safety

MOVED BY: Ogimaa Duke Peltier, Wiikwemkoong First Nation, ON

SECONDED BY: Chief Dylan Whiteduck, Kitigan Zibi Anishinabeg, QC

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - ii. 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.
 - iii. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous peoples have the right to actively involved in developing and determining health, housing, and other economic and social programs affecting them, and as far as possible, to administer such programs through their own institutions.
- B. The Assembly of First Nations (AFN) has previously been mandated to advocate for new legislation that would recognize First Nations policing services as an essential service through AFN Resolution 45/2017, *Federal Investments in First Nations Police Services*, Resolution 107/2017, *Support of the First Nations Chiefs of Police Association Resolution Calling for First Nations Policing to be Entrenched as an Essential Service*, Resolution

Certified copy of a resolution adopted on the 16th day of August 2021 in Ottawa, Ontario

ROSEANNE ARCHIBALD, NATIONAL CHIEF

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06/2020, Support for Advocacy on Systemic Racism in Canada, and Resolution 07/2020, Call for Reform to Address Institutional Racism in the Justice System.

- C. In December 2020, the federal government announced its intention to co-develop a legislative framework for First Nations policing as an essential service with the AFN. The purpose of the legislation is to ensure that First Nations police services across the country have equitable funding, resources, infrastructure, training, and equipment. Furthermore, the legislation will recognize First Nations jurisdiction over policing and will provide governance and accountability mechanisms for First Nations.
- D. The current footprint of the First Nations Policing Program (FNPP) is grossly underfunded and impedes those Nations that wish to exercise their right to self-determination by providing police services for their Nation.
- E. First Nations police services are essential services necessary for the safety and security of First Nations. As such, First Nations police services must be recognized as essential. The current "grants and contribution program status" under the FNPP creates systemic barriers to the long-term creation and sustainability of quality First Nations policing services.

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

1. Direct the Assembly of First Nations (AFN) to continue working with Public Safety Canada on the co-development and implementation of a legislative framework that recognizes First Nations policing services as an essential service to end inequitable programming and funding under the First Nations Policing Program (FNPP).
2. Direct the AFN to work with AFN regional offices to carry out an engagement process with First Nations, Tribal Councils, or Treaty Organizations on the co-development and implementation of legislation that recognizes First Nations policing as an essential service while respecting and upholding both pre-existing or otherwise developed processes.
3. Direct the AFN to call on Provinces and Territorial governments to respect and honor the existing 48/52 funding formula under the FNPP. If that formula changes, it does so in favor of First Nations.
4. Direct the AFN to advocate for First Nations, Tribal Councils or Treaty Organizations to be sufficiently funded to create and administer their own essential police services.
5. Direct the AFN to advocate for sufficient funding be made available for the infrastructure necessary to create and administer essential police services.

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