
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. 39/2022

TITLE: Opposition to Bill C-21 Federal Gun Control Legislation

SUBJECT: Justice

MOVED BY: Chief Russell Wesley, Cat Lake First Nation, ON

SECONDED BY: Frank McKay, Proxy, Koocheching First Nation, ON

DECISION Carried by consensus

WHEREAS:

A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:

- i. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
- ii. Article 18: Indigenous peoples have the right to participate in decision-making 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.
- iii. Article 34: Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.
- iv. Article 39: Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

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ROSEANNE ARCHIBALD, NATIONAL CHIEF

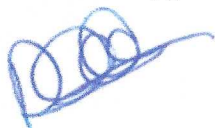
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- B. The United Nations Declaration on the Rights of Indigenous Peoples Act (S.C. 2021, c. 15) states:
- i. Section 5: The Government of Canada must, in consultation and cooperation with Indigenous peoples, take all measures necessary to ensure that the laws of Canada are consistent with the [UN] Declaration.
- C. Bill C-21, An act to amend certain Acts and to make certain consequential amendments (firearms), was introduced as a comprehensive strategy to address gun violence and strengthen gun control and has completed second reading in the House of Commons.
- D. Bill C-21 notably does not address the illegal sale of handguns, but instead attempts to further restrict the legal sale and ownership of handguns, creating “red flag” and “yellow flag” laws enabling suspension of firearms license, and allowing police to obtain a court order for a warrantless search and seizure with no provision for a targeted person to defend themselves.
- E. On November 24, 2022, the House of Commons Standing Committee on Public Safety and National Security met to do a “clause by clause” reading of Bill C-21, and shortly after amendments were introduced adding long guns (rifles) to the banned list, potentially criminalizing many of the types of firearms currently used by First Nations peoples for sustenance hunting.
- F. The Assembly of First Nations (AFN) appeared before the House of Commons Standing Committee on Public Safety and National Security and raised concerns with respect to Bill C-21’s implications for First Nations’ inherent, Constitutional and Treaty rights to sustenance hunt and harvest.
- G. Sustenance hunting is an integral part of First Nations culture, traditions and has implications for food security in rural, remote, and northern First Nations. First Nations in Canada possess inherent Aboriginal and Treaty rights to sustenance hunting that are recognized in the Canadian Constitution, 1982.

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

1. Publicly oppose Bill C-21, *An act to amend certain Acts and to make certain consequential amendments (firearms)*, which potentially criminalizes long guns (rifles) used by First Nation peoples in exercising their Aboriginal and Treaty rights to sustenance hunt and harvest.

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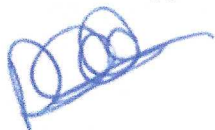


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2. Call upon the Government of Canada to conduct proper and adequate consultation with First Nations as is required under the *United Nations Declarations on the Rights of Indigenous Peoples Act*, prior to enacting laws that impact First Nations inherent, Constitutional and Treaty rights to sustenance hunt and harvest.
3. Direct the Assembly of First Nations to advocate for amendments to Bill C-21, including:
 - a. Removing from the list of prohibited weapons, the long guns commonly used by First Nations sustenance hunters in exercising their inherent Aboriginal, Treaty and Constitutionally recognized rights, contained in the adopted amendment to Bill C-21;
 - b. Amending the “red flag” and “yellow flag” provisions to ensure that First Nations inherent, constitutional, and treaty rights are respected, and clarify how the “red flag” and “yellow flag” provisions will apply to First Nations and First Nations citizens;
 - c. Creating an oversight mechanism to ensure that the Chief Firearms Officer consult with First Nations to ensure that orders do not restrict First Nations access to firearms commonly used in sustenance hunting;
 - d. Ensuring additional provisions to support First Nations police services and ensure that the resources they require to maintain law and order within their jurisdictions is provided, specifically in relation to root causes of gangs and gun violence; and
 - e. Ensuring additional provisions be implemented to support First Nations prevention programs for youth in relation to gang violence and illegal guns, as well as prevention programs targeting gender-based violence and violence against First Nations women, girls, and 2SLGBTQQIA+ people.
 - f. Removing the requirement for Possession and Acquisition Licence (PAL) for First Nations citizens.

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