
Assembly of First Nations

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Assemblée des Premières Nations

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Annual General Assembly
July 5, 6, 7, 2022, Vancouver, BC

Resolution no. 14/2022

TITLE: First Nations Self-Determination over Citizenship

SUBJECT: Rights

MOVED BY: Chief Carol Dee Potter, Bear River First Nation, NS

SECONDED BY: Chief Maureen Chapman, Skawahlook First Nation, BC

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
 - ii. 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.
 - iii. Article 9: Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.
 - iv. Article 33 (1): Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. (...)
 - v. Article 33 (2): Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

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- vi. Article 35: Indigenous peoples have the right to determine the responsibilities of individuals to their communities.
- B. Since time immemorial, First Nations have exercised their jurisdiction to determine and define their citizenship regardless of Canada's unilateral imposition of the *Indian Act*.
- C. The imposition of the *Indian Act* on First Nations is a continued denial of First Nations' inherent right to self-determination.
- D. Gender-based discrimination in the 'registration' provisions of the *Indian Act* for status 'Indians' continues to cause severe and lasting harm to generations of First Nations women and their descendants.
- E. Despite the coming into force of Bill S-3, *An Act to amend the Indian Act in response to the Superior Court of Quebec decision in Descheneaux c. Canada*, Canada has not yet fully addressed these impacts.
- F. Canada must address residual and ongoing impacts from the preceding decades of discriminatory policies and gender-based inequalities within the *Indian Act* that resonate to this day.
- G. There is a need to ensure that legislative changes to 'Indian' registration under the *Indian Act* are communicated clearly and effectively to First Nations and affected individuals.
- H. First Nations and Canada agree that existing approaches to First Nations' identity and citizenship must be reformed. Canada has expressed a desire to get out of the business of *Indian Act* registration, most notably by the passage of *An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples*.
- I. Canada, in all its imposed forms, must work in full and meaningful consultation and collaboration with First Nations to develop options to recognize First Nations' exclusive responsibility to determine their citizenship structures.
- J. These options must explicitly respect First Nations' own approaches, the appropriate funding models and modalities that First Nations require for Canada to respect their human rights, and for First Nations to reclaim their inherent capacity to identify their members and bring their people home to what are currently chronically and systemically underfunded communities.

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

1. Affirm and assert First Nations' inherent right to exercise jurisdiction over citizenship.

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2. Direct the Assembly of First Nations (AFN) to engage the Government of Canada to end the practice of legislative assimilation and to immediately provide adequate funding to First Nation governments to establish their own citizenship laws and processes.
3. Direct the AFN to engage the Government of Canada to address all remaining impacts of gender discrimination arising from the *Indian Act* past and present.
4. Direct the AFN to engage First Nations on issues of citizenship, seek input on how best to support First Nations citizenship approaches, and examine and convey back to the Chiefs-in-Assembly at the next National Assembly on options, approaches and funding structures that support First Nations' jurisdiction over citizenship.

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