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## 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. 11/2022**

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**TITLE:** Establishing a Chiefs' Committee on Justice

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**SUBJECT:** Justice

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**MOVED BY:** Chief Harvey McLeod, Upper Nicola Band, BC

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**SECONDED BY:** Chief Ken Watts, Tseshah First Nation, BC

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**DECISION** Approved by the AFN Executive Committee by consensus.

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### 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 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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- B. There is an urgent need for a coordinated approach to transforming the justice system by dismantling colonial justice structures and reawakening Indigenous legal orders and traditions, consistent with the standards of Indigenous self-determination and self-government in the UN Declaration.
- C. The implementation of the Calls to Action of the Truth and Reconciliation Commission and commitments to develop an Action Plan in response to the Final Report of the Missing and Murdered Indigenous Women and Girls Inquiry (MMIWG2S+) remain delayed, further demonstrating the continued existence of systemic anti-Indigenous racism, that upholding Indigenous rights in relation to justice are still not a national priority, and that the lives affected by this crisis are less worthy of intervention.
- D. First Nations across the country, working at the community level and collectively, have been developing solutions to the urgent crises in the justice system.
- E. On January 15, 2021, the Minister of Justice and Attorney General of Canada was given a revised Mandate Letter with direction to “develop, in consultation and cooperation with provinces, territories and Indigenous partners, an Indigenous Justice Strategy to address systemic discrimination and the overrepresentation of Indigenous people in the justice system” supported the Minister of Crown-Indigenous Relations, the Minister of Indigenous Services, the Minister of Northern Affairs and the Minister of Public Safety and Emergency Preparedness.
- F. Assembly of First Nations (AFN) Resolution 36/2021, *Call for Recruitment, Funding and Clear Timeline for Development and Implementation of a National First Nations Justice Strategy*, directs:
- i. The AFN to advocate and work with the Minister of Justice and Attorney General of Canada and relevant ministries to urgently co-develop a strategic framework to develop and implement a National First Nations Justice Strategy with adequate funding to support regional and community-based, self-determined holistic approaches to justice that are grounded in First Nations principles, protocols, laws, and traditions, including ensuring the framework is consistent with the minimum standards in the UN Declaration; and
  - ii. The AFN to draw from existing work for the transformation of the justice system being championed by First Nations across the country, including, for example, the BC First Nations Justice Strategy, as the national justice strategy is developed.

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- G. In February 2021, a Justice Sector was created within the Rights and Justice Branch of the AFN Secretariat to support work on social justice and justice reform. A Chiefs' Committee on Justice is needed to provide direction to the work that the Justice Sector is undertaking with respect to First Nations legal traditions and customary laws.
- H. Article 7 (3) of the AFN Charter states:
- i. The First Nations-in-Assembly shall, by way of resolution, establish a Chiefs' Committee from time to time that will lead work or take action on a specific subject.
    - a) Chiefs' Committee members shall be appointed by Regional Chiefs following each region's formal rules, policies and procedures for the operation of the regional AFN offices.
    - b) The Chiefs' Committee shall draft a term of reference at its first meeting to guide the work and forward the terms of reference to the Executive Committee for approval. The terms of reference shall include, at a minimum standard, the authority, accountability, mandate, objectives, composition, reporting structure and timeline for the work by the Chiefs' Committee.
    - c) The National Chief shall be an ex officio member of all Chiefs' Committees and shall assign, in a collaborative process with the Executive Committee, a member of the Executive Committee as the appropriate portfolio holder to act as the Chair of the Chiefs' Committee.
    - d) The portfolio holder shall select a Co-Chair from the members of the Chiefs' Committee and the Co-Chair shall support the Chair and chair all meetings in the absence of the portfolio holder Chair.
    - e) At no time does a Chiefs' Committee have the authority to pass motions that bind the Executive Committee or First Nations-in-Assembly, but instead, the Chiefs' Committee shall provide recommendations to the Executive Committee and the First Nations-in-Assembly for voting purposes.
- I. As directed by AFN Resolution 36/2021, *Call for Recommitment, Funding and Clear Timelines for Development and Implementation of a National First Nations Justice Strategy*, AFN has obtained funding to conduct engagement on the development of a National First Nations Justice Strategy.

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

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

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1. Direct the Assembly of First Nations (AFN) to continue working with the Minister of Justice and Attorney General of Canada and relevant ministries to carry out engagement on a National First Nations Justice Strategy.
2. Direct the AFN to appoint a Chiefs' Committee on Justice, in accordance with Article 7 (3) of the AFN Charter, to provide advice and direction on matters relating to justice reform and reclamation of First Nations justice systems, legal traditions, and customary laws.

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