

Assembly of First Nations

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SPECIAL CHIEFS ASSEMBLY
December 2-3-4, 2025, Ottawa, ON

Resolution no. 45/2025

TITLE: **Support for a First Nations Approach to Artificial Intelligence**

SUBJECT: Data Sovereignty, Languages, Culture, Health

MOVED BY: Chief Jennifer Brake, Qalipu First Nation, NL

SECONDED BY: Chief Ira McArthur, Pheasant Rump Nakota First Nation, SK

DECISION: Carried by consensus

WHEREAS:

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

- i. Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
- ii. Article 21(1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, *inter alia*, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- 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 be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.
- iv. Article 31(1): Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

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- B.** Article 1 of the *United Nations Declaration on the Right to Development* stipulates “the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized.”
- C.** The *Indigenous Languages Act* states that the Government of Canada recognizes that the rights of Indigenous Peoples are recognized and affirmed by Section 35 of the *Constitution Act, 1982*, including rights related to Indigenous languages.
- D.** Some regions may recognize First Nations language rights through regional language regulations.
- E.** Education and language are a fundamental human right. For First Nations, these rights are uniquely situated within a framework of Inherent and Treaty Rights that are constitutionally protected under Section 35 of the *Constitution Act, 1982*.
- F.** In the last decade, artificial intelligence (AI) has been responsible for breakthroughs in medical research, cultural preservation, scientific analysis, and economic development.
- G.** The use and valuation of AI has grown exponentially since 2020 and is predicted to continue to do so in the coming years. The technology is now well established and unlikely to become less relevant.
- H.** Non-First Nations actors, institutions, and companies have begun showing interest in the commercial development of AI for First Nations’ intellectual, scientific, and cultural property.
- I.** Building First Nations’ capacity in computing science takes decades; partnerships with researchers and developers who respect First Nations’ ways of being can provide immediate support. However, without specific regulations, non-First Nations researchers have appropriated First Nations knowledge and data for profit, offering little back to communities. In some cases, non-First Nations individuals have used data without authorization to produce products that misrepresent First Nations languages and culture.
- J.** AI enables easy analysis of massive amounts of data; as a result, an economy based around the collection and use of data has emerged.
- K.** However, data centers that are required for the generation of AI technology require significant amounts of water and electricity, with potential negative impacts on the lands, waters, resources, and ecosystems of First Nations.
- L.** United Nations General Assembly Resolution A/RES/78/265 underscores the need to respect human rights throughout the lifecycle of AI systems. There is a critical need to ensure the respect of the rights of First Nations in this regard to avoid the perpetuation of colonial harm.
- M.** The Assembly of First Nations Quebec-Labrador adopted a position on AI and digital ethics in 2025 through their paper *The Digital Territory of First Nations Quebec-Labrador*, focusing on transparency, risk mitigation, benefit sharing, promotion of First Nations knowledge and culture, digital sovereignty, authorization, accountability, and democratic participation.
- N.** In May 2025, the first Minister of Artificial Intelligence and Digital Innovation, the Honourable Evan Solomon, was appointed. In September 2025, the Minister, through Innovation, Science and Economic Development Canada (ISED), announced the formation of an AI Strategy Task Force.

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- O.** Canada is currently building a national AI strategy. During October 2025, ISED held an open invitation for consultation. The department also convened an AI Strategic Task Force comprising leaders in the field of AI technology and ethics. The Assembly of First Nations (AFN) does not have representation on this council.
- P.** Currently, few regulations exist in Canada regarding the use of, development of, and profiting from AI systems. While Canada did, on February 11, 2025, sign onto the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law (Framework Convention), the Framework Convention does not consider the rights of Indigenous Peoples.

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

1. Direct the Assembly of First Nations (AFN) Chiefs Committee on Languages to work with other relevant AFN sectors and Chiefs Committees to develop a national strategy on the use and governance of Artificial Intelligence (AI) and First Nations data, that includes the identification of areas of benefit and concern, by December 2026.
2. Call on the AFN to submit to the Government of Canada a First Nations developed policy with strict regulations to protect and empower the use of First Nations data/data governance in AI, in line with First Nations principles of Ownership, Control, Access and Possession (OCAP®). These regulations should:
 - a. Ensure transparency of how any AI is created and operated;
 - b. Guarantee that First Nations are compensated for the use of their data and knowledge;
 - c. Promote the responsible sharing of First Nations knowledge and culture; and
 - d. Secure data and digital sovereignty.
3. Call on the Government of Canada to ensure any regulations regarding AI respect First Nations autonomy and self-determination.
4. Call on the Government of Canada to acknowledge and collaborate with First Nations to address the instances—particularly in international contexts—where First Nations' unique rights and perspectives are not considered, such as Canada's signing onto the Council of Europe Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law.
5. Call on the Government of Canada to ensure, as it looks to expand the use of AI to create efficiencies in the delivery of government services, that it obtains the Free, Prior and Informed Consent of any First Nations who may be impacted by that use, particularly as it relates to First Nations accessing benefits and essential services (e.g., Access to Information requests, Jordan's Principle, and Non-Insured Health Benefits).
6. Affirm that First Nations will control what data of theirs is shared and how it is governed, and who may access data products.
7. Affirm that a national strategy on AI is not intended to detract or hinder First Nations from advancing their regional or local AI approaches.
8. Call upon the Government of Canada to prioritize and designate dedicated funding for First Nations-led AI and Natural Language Processing (NLP) language revitalization projects across all national AI investment

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programs, including those administered through Innovation, Science and Economic Development Canada (ISED), the Canada Research Coordinating Committee, and the Pan-Canadian AI Strategy. Such funding should:

- a. Be consistent with, and adequate to uphold, the principles of OCAP®; and
 - b. Recognize Indigenous languages as requiring equitable inclusion within Canada's national investment priorities.
9. Call upon Global Affairs Canada and the Canadian Commission for the United Nations Educational, Scientific, and Cultural Organization (CCUNESCO) to work collaboratively with First Nations to advance international partnerships, research networks, and policy frameworks that strengthen the global AI industry's support for Indigenous languages, including:
 - a. Championing Indigenous language revitalization within the United Nations Educational, Scientific, and Cultural Organization's (UNESCO) AI ethics, digital heritage, and Local and Indigenous Knowledge Systems (LINKS) programs; and
 - b. Promoting international standards that protect Indigenous linguistic data from misuse, misrepresentation, and extraction.

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