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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. 18/2022**

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**TITLE:** Support for Criminal Code Amendments Regarding Gaming Jurisdiction

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**SUBJECT:** Gaming

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**MOVED BY:** Chief Michael Starr, Star Blanket First Nation, SK

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**SECONDED BY:** Chief Lloyd Buffalo, Day Star First Nation, SK

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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 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 20 (1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
  - iii. 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.
- B. First Nations assert a right to a Treaty economy and a Treaty right to gaming is an important source of own source revenue in the economy.
- C. The Criminal Code of Canada prevents First Nations from participating in gaming unless they have a licence from a province of Canada.

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**Certified copy of a resolution adopted on the 1<sup>st</sup> day of November 2022 in Ottawa, ON**

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**ROSEANNE ARCHIBALD, NATIONAL CHIEF**

**18 – 2022**  
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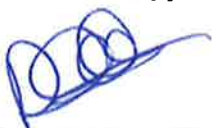
- D. Provinces were granted this right without consultation with First Nations and the licence requirement is a direct infringement of First Nation's inherent rights.

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

1. Support the following amendments to section 207 of the Criminal Code of Canada to recognize First Nations jurisdiction over gaming;
  - i. 207(1)(a.1) for an Indian Band, either alone or in conjunction with another Indian Band or collective of Indian Bands, to conduct and manage a lottery scheme in their home province, or in that province and the home province of the other Indian Band or Indian Bands, in accordance with any law enacted by that Indian Band;
  - ii. 207(1)(b.1) for a charitable or religious organization, pursuant to a license issued by an Indian Band, or by such other licensing authority as may be specified by the Indian Band, to conduct and manage a lottery scheme in that province if the proceeds from the lottery scheme are used for a charitable or religious object or purpose.
2. Support any consequential amendments to federal legislation required to give effect to the above amendments to the Criminal Code of Canada.
3. Calls on the Government of Canada to amend the Criminal Code of Canada accordingly.

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