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## Assembly of First Nations

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## Assemblée des Premières Nations

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**ANNUAL GENERAL ASSEMBLY  
JULY 11, 12, & 13, 2023; HALIFAX, NS**

**Resolution no. 41/2023**

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**TITLE:** Support for Equitable Funding for First Nations Policing

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**SUBJECT:** Policing, Public Safety

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**MOVED BY:** Chief Linda Debassige, M'Chigeeng First Nation, ON

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**SECONDED BY:** Chief Lance Haymond, Kebaowek First Nation, QC

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**DECISION** Carried; 2 opposed; 2 abstentions

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**WHEREAS:**

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
  - ii. Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
  - 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 actively involved in developing and determining health, housing, and other economic and social programs affecting them, and as far as possible, to administer such programs through their own institutions.
- B. The current footprint of the First Nations Policing Program (FNPP) is grossly underfunded and impedes First Nations who wish to exercise their right to self-determination by providing police services for their Nations.

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- C. First Nations and First Nations Chiefs of Police have for decades, raised concerns about unfair negotiation tactics that Public Safety Canada employs with respect to funding agreements. First Nations leadership have stated that these so called “negotiations” with Public Safety Canada are tantamount to “take it or leave it” deals and perpetuates the underfunding and under resourcing of First Nations policing, endangering the communities they serve.
- D. In December 2020, the federal government announced its intention to co-develop a legislative framework for First Nations policing as an essential service with the AFN. The purpose of the legislation is to ensure that First Nations police services across the country have equitable funding, resources, infrastructure, training, and equipment. Furthermore, the legislation must recognize First Nations jurisdiction over policing and will provide governance and accountability mechanisms for First Nations.
- E. The AFN is mandated by Resolution 07/2021, Creation and Implementation of Legislation for First Nations Policing as an Essential Service, to advocate for the equitable treatment of First Nations police services through the development of a First Nations policing legislative framework.
- F. The AFN is also mandated by Resolution 51/2022, First Nations Sovereignty over Policing, to advocate and recommend that the future FNIPP legislation be modelled after Bill C-92, An Act respecting First Nations, Inuit and Métis children, youth and families, in that federal policing legislation must allow First Nations to enact their own community policing legislation, ensuring true First Nation jurisdiction over justice and policing systems that will serve First Nations in a culturally appropriate and respectful manner free from systemic racism and discrimination.
- G. First Nations police services are essential services necessary for the safety and security of First Nations. As such, First Nations police services must be recognized as essential.
- H. The current "grants and contribution program status" under the FNPP creates systemic barriers to the long-term creation and sustainability of quality First Nations policing services.
- I. In 2022, in the Dominique decision, the Canadian Human Rights Tribunal (CHRT) found that Canada discriminates against First Nations by underfunding First Nations policing. This decision is now being appealed by Canada to the Federal Court of Canada.
- J. In March 2023, Indigenous Chiefs of Police of Ontario (IPCO) filed a complaint with the Canadian Human Rights Commission (CHRC) alleging discrimination in the funding of First Nations police services under the FNPP.

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- K. On June 30, 2023, the Federal Court of Canada found that Public Safety Canada (PSC) is deliberately choosing to underfund and apply discriminatory policies to First Nations police services and that PSC's actions and omissions violate the principle of the Honour of the Crown and are contrary to advancing reconciliation.
- L. Public Safety Canada officials continue to engage in disrespectful, colonial, and discriminatory tactics to undermine the rights, jurisdiction, and sovereignty of First Nations. These actions have resulted in an unprecedented crisis in First Nations policing to the extent that several First Nations are in danger of having to cease operations due to lack of funding.
- M. Public Safety Canada officials refuse to acknowledge First Nations inherent, Treaty and constitutional rights in accordance with the UN Declaration, within the context of co-developing a legislative framework recognizing First Nations policing as an essential service.

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

1. Direct the Assembly of First Nations (AFN) to call upon the Government of Canada and Public Safety Canada (PSC) to cease its disrespectful, colonial, and discriminatory tactics to undermine the rights, jurisdiction, and sovereignty of First Nations, and immediately fund all First Nations police services in Canada in an equitable manner.
2. Direct the AFN to call upon the Government of Canada to recognize and uphold First Nations inherent, Treaty and constitutional rights in accordance with the *United Nations Declaration on the Rights of Indigenous Peoples* and to respect the findings of the Canadian Human Rights Tribunal (CHRT) in Dominique decision and withdraw its appeal.
3. Direct the AFN to legally support the complaints and legal actions brought forward by First Nations and First Nations Chiefs of Police Associations with respect to PSC's discriminatory conduct, specifically, with respect to the appeal of the CHRT Dominique decision and the Canadian Human Rights Commission (CHRC) complaint filed by Indigenous Police Chiefs of Ontario (IPCO).
4. Direct the AFN to call upon Canada and PSC to re-commit to the co-development of First Nations policing legislation in a meaningful partnership based upon upholding First Nations inherent, Treaty and constitutional rights in accordance with the *United Nations Declaration on the Rights of Indigenous Peoples*.
5. Direct the AFN to re-engage with PSC and co-develop policing legislation on the following conditions:
  - a. The Minister of PSC agrees to meet as soon as possible with the AFN Policing Taskforce Committee;

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- b. The Minister of PSC commits to appointing a representative who has experience engaging with First Nations and possesses an understanding of First Nations rights and policing to engage with the AFN and act as an intermediary between the Minister of PSC and PSC officials;
- c. PSC commits to co-development of guiding principles that recognize First Nations inherent rights, Treaty rights, constitutional rights, as well as sovereignty and jurisdiction over First Nations policing;
- d. PSC commits to a true co-development process with clear timelines for introduction of a bill in the House of Commons;
- e. Representatives from Indigenous Service Canada, Crown-Indigenous Relations and Northern Affairs, and the Department of Justice fully participate in the co-development process to provide support to PSC and the AFN during discussions regarding the legislation; and
- f. AFN representatives meet regularly with the PSC's federal/provincial/territorial working group on First Nations policing to directly participate in discussions regarding the legislation.

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