



ANNUAL GENERAL ASSEMBLY
July 9, 10, 11, 2024, Montreal, QC

Resolution no. 16/2024

TITLE: Call for Prosecution and Enforcement of First Nations Laws On-Reserve

SUBJECT: Community Safety and Well-being

MOVED BY: Chief Roderick Gould Jr., Abegweit First Nation, PEI

SECONDED BY: Chief Joanne Miles, Flat Bay Mi'kmaq Band, NL

DECISION Carried; 6 Abstentions

WHEREAS:

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

- i. Article 1: Indigenous people have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.
- ii. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining the right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
- iii. Article 7(1): Indigenous individuals have the rights to life, physical and mental integrity, liberty, and security of person.
- iv. Article 22(1): Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children, and persons with disabilities in the implementation of this Declaration.
- v. 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.
- vi. Article 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as

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to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

- B.** Under legislation such as the *Indian Act (R.S.C., 1985, c. I-5)*, and the *Framework Agreement on First Nations Land Management Act (S.C. 2022, c 19, s. 121)*, many First Nation's rights to enact laws are recognized, such as laws to protect the safety and well-being of their members by regulating trespassers on reserve. Many First Nations validly enact laws pursuant to their inherent right to self-governance through the recognition provided by these statutes.
- C.** The Crown's continued refusal to enforce First Nations laws and bylaws is creating dangerous scenarios where there is no rule of law and where community members are not safe, leading to increased incidents of violence, murder, and an increase in drug use, and illegal drug and contraband trafficking.
- D.** The Crown's continued refusal to enforce or prosecute First Nations laws and bylaws on reserve lands directly undermines First Nations inherent right to self-government and is thereby not consistent with the Crown's legal commitments under the United Nations Declaration Act (UNDA).
- E.** The Crown has no legal basis to refuse enforcement or prosecution of First Nations laws and bylaws on reserve and is thus discriminatory towards First Nations and contrary to the guarantees of equality under federal and provincial human rights legislation.
- F.** The Crown's continued refusal to enforce First Nations laws and bylaws is a direct violation against the rule of law guaranteed to all citizens of Canada through the Canadian Constitution and the Canadian *Charter of Rights and Freedoms*.

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

- 1.** Call upon all levels of government to work with First Nations to enforce and prosecute First Nations laws and bylaws across Canada in a way that addresses the specific needs and concerns of each community to ensure the safety and security of Indigenous communities.
- 2.** Call upon the federal government to allocate necessary funding and resources to support the enforcement and prosecution of First Nations laws, including the training and deployment of enforcement personnel within these communities.
- 3.** Direct the Assembly of First Nations (AFN) to create a permanent collaborative table at the federal level to monitor and advocate for the enforcement and prosecution of First Nations laws and bylaws on reserve with representation from First Nations and all relevant government entities, including but not limited to the Department of Justice, the Public Prosecution Service of Canada, Public Safety Canada, Indigenous Services Canada, and the Ministry of the Attorney General.
- 4.** Direct the AFN to monitor and report on the progress of these initiatives, ensuring accountability and transparency of all levels of government.

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