



BC ASSEMBLY OF FIRST NATIONS

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Prince George, BC V2K 5S3
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BCAFN 17th ANNUAL SPECIAL CHIEFS MEETING
March 3 & 4, 2021
Online via Zoom

Resolution 09/2021

SUBJECT: NEED FOR IMMEDIATE POLICING REFORM AND SUPPORT FOR FIRST NATIONS JURISDICTION OF POLICING

Moved BY: CHIEF JEROME JACK, MOWACHAHT/MUCHALAHT FIRST NATION

SECONDED BY: CHIEF HARVEY MCLEOD, UPPER NICOLA INDIAN BAND

DECISION: CARRIED

WHEREAS:

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

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.

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.

Article 7: 1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person. 2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

Article 18: Indigenous peoples have the right to participate in decision - making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision - making institutions.

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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. 2. States shall take measures, in conjunction with Indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

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.

Article 37: Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.

B. The Truth and Reconciliation Commission of Canada: Calls to Action states:

42. We call upon the federal, provincial, and territorial governments to commit to the recognition and implementation of Aboriginal justice systems in a manner consistent with the Treaty and Aboriginal rights of Aboriginal peoples, the Constitution Act, 1982, and the United Nations Declaration on the Rights of Indigenous Peoples, endorsed by Canada in November 2012.

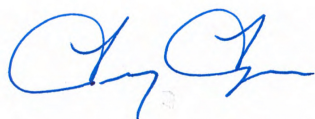
45. We call upon the Government of Canada, on behalf of all Canadians, to jointly develop with Aboriginal Peoples a Royal Proclamation of Reconciliation to be issued by the Crown. The proclamation would build on the Royal Proclamation of 1763 and the Treaty of Niagara 1764, and reaffirm the nation -to -nation relationship between Aboriginal Peoples and the Crown. The proclamation would include, but not be limited to, the following commitments:

(iv.) Reconcile Aboriginal and Crown constitutional and legal orders to ensure that Aboriginal peoples are full partners in Confederation, including the recognition and integration of Indigenous laws and legal traditions in negotiation and implementation processes involving Treaties, land claims, and other constructive agreements.

C. The National Inquiry into Missing and Murdered Indigenous Women recognized that, “colonial structures and policies are persistent in Canada and constitute a root cause of the violence experienced by Indigenous women, girls, and 2SLGBTQQIA people”, and which amount to genocide. The Calls for Justice included a number of imperatives directed at governments and police services focused on reform and transformation of justice and policing.

D. First Nations communities and citizens have not been well-served by the Canadian justice and policing systems. First Nation communities and citizens have been subject to decades of discrimination, violence, racism and bias within Canada’s justice system and there continues to be denial and suppression of First Nations jurisdiction in the areas of justice and policing.

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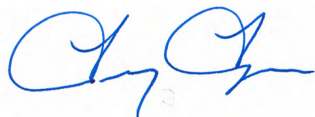
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- E. Historical and ongoing systemic inequities found in Canada's justice system target and disproportionately impact Indigenous Peoples, including Canada's failure to uphold the principles of the Gladue decision, the overcriminalization of Indigenous peoples; the over incarceration of Indigenous Peoples in Federal prisons; over-policing, abuse by police, unreasonable use of force, and deaths in custody; the disproportionate violent victimization of Indigenous peoples; criminalization of land defenders and use of police to uphold infringement in First Nations jurisdiction; lack of protection and appropriate response for Indigenous people seeking help from police; lack of culturally appropriate, trauma informed responses that take into account complex social issues; underfunding of First Nations policing, justice, and victims-services; and lack of accountability and oversight. As demonstrated in the findings of the National Inquiry, Indigenous women and 2SLGBTQQIA+ people are even more adversely affected within these areas.
- F. According to a CBC study from 2000-2017, there have been more than 461 fatal encounters involving the police in Canada and there continues to be significant racially motivated police brutality against Indigenous Peoples.
- G. Examples where the justice system has failed Indigenous Peoples include cases such as those involving Colten Boushie, Chantel Moore, Tina Fontaine, Frank Paul, Neil Stonechild, Everett Patrick, Clayton Willey and the most recent death of Tla-o-qui-aht man, Julian Jones, at the hands of an RCMP officer.
- H. The First Nations Leadership Council (FNLC) endorsed the BC First Nations Justice Strategy in March 2020, which includes strategies and lines of action related to policing reforms;
- I. BCAFN Resolution 16/2020, "Support for the Development of a National First Nations Justice Strategy" and BCAFN Resolution 12/2020, "Endorsement of the First Nations Justice Strategy" call for a national strategy to address to reform Canada's justice system and supporting the BC First Nations Justice Strategy to transform the criminal justice system and the relationship between Indigenous peoples and the criminal justice system.
- J. The Assembly of First Nations will be hosting a National Online Forum on Policing and Justice on March 16-17th, 2021 to provide opportunity and space for First Nations to dialogue around the needs and priorities regarding police reform and implementation of First Nations jurisdiction.

THEREFORE BE IT RESOLVED THAT:

- 1. The BCAFN Chiefs-in-Assembly support First Nations in exercising their rights to self-determination including the implementation of culturally relevant justice systems in relation to their communities and Nations;


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2. The BCAFN Chiefs-in-Assembly urge the Provincial and Federal governments, in accordance with Articles 4 and 39 of the *United Nations Declaration on the Rights of Indigenous Peoples*, to recognize First Nations jurisdiction with respect to justice and policing, provide financial and technical assistance to all First Nations in support of their respective administration of justice; and
3. The BCAFN Chiefs-in-Assembly calls on provincial and federal governments and police forces in Canada, to fundamentally reform policing and the criminal justice system with specific priority placed on ending police brutality and violence against Indigenous peoples and transforming the relationship with Indigenous peoples so that it is in alignment with the UN Declaration.

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A handwritten signature in blue ink, appearing to read 'Terry Teegee', is positioned above a horizontal line.

Terry Teegee, BC Regional Chief