

Assembly of First Nations

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

Resolution no. 34/2024

TITLE: Advancing First Nations' Self-Determination by Reforming Indian Act Registration

SUBJECT: Civil and political rights

MOVED BY: Chairperson Khelsilem, Squamish Nation, BC

SECONDED BY: Chief Byron Louis, Okanagan Indian Band, BC

DECISION Carried; 3 Opposition; 1 Abstention

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- 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.
 - Article 33(1): Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions.
 - Article 33(2): Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.
- B. Assembly of First Nations (AFN) Resolutions 14/2022, *First Nations Self-Determination over Citizenship*, and 30/2017, *Inherent Authority to Define Citizenship*, affirm and assert First Nations Inherent right to exercise jurisdiction over citizenship. These resolutions call on the Government of Canada to end the practice of legislative assimilation and to provide adequate funding to First Nations governments to establish their own citizenship laws and processes.
- C. First Nations and Canada recognize the *Indian Act* as a colonial-era legislation designed to exert control over First Nations, which inherently conflicts with the principles of the UN Declaration and cannot fully comply with the UN Declaration's international standards.
- D. Fundamental changes to the *Indian Act* registration, especially concerning registration and band membership provisions, are necessary for Canadian laws to be aligned with the UN Declaration.

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- E. In 2023, Canada released the *United Nations Declaration on the Rights of Indigenous Peoples Act* Action Plan, which includes commitments to make the *Indian Act*'s registration and band membership provisions more consistent with the UN Declaration as part of a broader goal of reconciliation and enhanced self-governance for First Nations.
- F. To address the diversity of First Nations needs and realities, all legislative amendments to registration and band membership must include opt-in measures that enable First Nations to opt-in to alternatives to the current systems until a comprehensive change or the *Indian Act*'s repeal is possible.
- G. Any legislative solutions must explicitly respect First Nations' own approaches, must include adequate funding to support First Nations' rights, and must support First Nations in reclaiming their Inherent capacity to identify their members to Nations.
- H. This resolution aims to solidify the AFN's commitment to achieving true autonomy and recognition of First Nations Peoples, aligning Canadian law with international human rights standards, and ensuring that the rights to Indigenous self-determination and self-governance are fully realized and respected.

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

- 1. Direct the Assembly of First Nations (AFN) to meaningfully engage with the Government of Canada on the co-development of a suite of registration and band membership reforms and support the Government of Canada's direct engagement and consultation with First Nations rights holders on these reforms.
- 2. Direct the AFN to develop a broad engagement strategy with Canada to engage and support First Nations to co-develop opt-in alternatives to *Indian Act* registration and citizenship.
- 3. Direct the AFN to advocate for legislative, regulatory, and policy reforms, and co-develop these options with Canada so that elements of the *Indian Act* surrounding enfranchisement, deregistration, and second-generation cut off will:
 - a. Create opt-in alternatives to the *Indian Act*'s registration system with a framework developed and controlled by First Nations, supporting their right to self-determination and recognition of Indigenous identity; and
 - b. Ensure that any person registered by a First Nation is automatically eligible for recognition under the federal Indian Registration system, thus affirming First Nations' autonomy in fully determining their citizens without any separate system for receiving Indian Registration.
- 4. Direct the AFN to call on the Government of Canada to support these legislative changes to be implemented before October 2025.
- 5. Direct the AFN to bring back co-developed legislative, regulatory, and policy changes for consideration and endorsement by the First Nations-in-Assembly.

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