



BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS

1004 Landooz Road
Prince George, BC V2K 5S3
Website: www.bcafn.ca

BCAFN SPECIAL CHIEFS ASSEMBLY

Resolution 01/2020

**Vancouver Island Conference Centre, 101 Gordon St., Nanaimo, BC
March 4 & 5, 2020**

SUBJECT: FEDERAL LEGISLATION TO CREATE A FRAMEWORK FOR IMPLEMENTATION OF THE
UN DECLARATION

MOVED BY: KUKPI7 RON IGNACE, SKEETCHSTN FIRST NATION

SECONDED BY: GRAND CHIEF DOUG KELLY, PROXY, SOOWAHLIE

DECISION: CARRIED

WHEREAS:

- A. We are sovereign Indigenous Nations with the right to protect, manage, and derive social, cultural and economic benefits from the wealth of our lands, waters and resources;
- B. the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) was overwhelmingly adopted by the General Assembly in September 2007 after more than 20 years of discussions;
- C. the UN Declaration is the most comprehensive, universal international human rights instrument explicitly addressing the economic, social, cultural, political, spiritual and environmental rights of Indigenous Peoples;
- D. Canada and British Columbia have adopted, without qualification, and committed to implement the UN Declaration, which sets out minimum standards for the survival, dignity and well-being of Indigenous peoples and affirms:
Article 27: States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and

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Terry Teegee, BC Regional Chief

adjudicate the right of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 38: States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration;

- E. the Truth and Reconciliation Commission of Canada Calls to Action state:
Call to Action 43: We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation;
Call to Action 44: We call upon the Government of Canada to develop a national action plan, strategies, and other concrete measures to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples;
- F. the Liberal Party of Canada, the Green Party of Canada and Canada's New Democratic Party each committed to introduce a government bill, supported by First Nations, to implement the UN Declaration that is at least as strong as Bill C- 262, if elected. In his mandate letters, Prime Minister Trudeau instructed the Attorney General and Minister of Justice, working with the Minister of Crown-Indigenous Relations, to "introduce co-developed legislation to implement the *United Nations Declaration on the Rights of Indigenous Peoples* by the end of 2020";
- G. the BCAFN, the First Nations Summit (FNS), and the Union of BC Indian Chiefs (UBCIC) working together as the First Nations Leadership Council (FNLC), were mandated through resolutions at their respective assemblies to co-develop provincial legislation to implement the UN Declaration. This process was ground-breaking, and represents a successful exercise of collaboration and included extraordinary steps to ensure First Nations leaders were fully informed of the content of the proposed legislation through non-disclosure agreements before it was introduced in the legislature;
- H. on November 26, 2019, the province of British Columbia passed Bill 41, the *Declaration on the Rights of Indigenous Peoples Act* (the "Act"), to implement the UN Declaration, making it the first province in Canada to develop legislation to implement the UN Declaration;
- I. by way of example, the provincial Act includes the following critical elements:
a) Section 3 requires the Province, "in consultation and cooperation with Indigenous peoples in British Columbia" to "take all measures necessary to ensure the laws of British Columbia are consistent with the Declaration;"
b) Section 4(1) requires the Province to "prepare and implement an action plan to achieve the objectives of the Declaration;" and
c) Section 7 authorizes the Province to enter into an agreement with Indigenous governing bodies relating to:
i. the joint exercise of a statutory power of decision by the Province, or another decision-maker, and the Indigenous governing body; or

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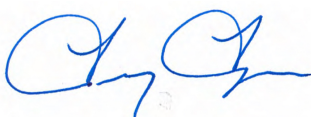
Terry Teegee, BC Regional Chief

- ii. the consent of the Indigenous governing body before the exercise of a statutory power of decision; and
- J. BC First Nations, by virtue of having co-developed the provincial Act with British Columbia, have unique interests and experience that could benefit the co-development of federal legislation to implement the UN Declaration. The interests of BC First Nations include but are not limited to the following:
- a) Ensuring that any federal legislation that is developed to implement the UN Declaration is consistent with and does not detract from the Act;
 - b) Ensuring that the Act serves as a floor, rather than a ceiling in connection with development of federal legislation to implement the UN Declaration;
 - c) Co-developing federal legislation to implement the UN Declaration with Canada through a BC-specific process.

THEREFORE BE IT RESOLVED THAT:

1. the BCAFN Chiefs-in-Assembly calls upon the Government of Canada to:
 - a. establish a BC-specific collaborative process to fulfill its commitment to “introduce co-developed legislation to implement the *United Nations Declaration on the Rights of Indigenous Peoples* by the end of 2020” as set out in the Prime Minister’s December 2019 mandate letter to the Minister of Justice and Attorney General of Canada;
 - b. work in collaboration and partnership with First Nations in BC and First Nations organizations including the UBCIC, FNS and BCAFN, working together as the FNLC, in any co-development process regarding federal legislation to implement the *UN Declaration on the Rights of Indigenous Peoples*;
 - c. work in collaboration and partnership with First Nations in BC and the FNLC to develop a BC-specific action plan to implement the UN Declaration, which is to be informed by other United Nations instruments upholding Indigenous rights, such as the *Universal Declaration of Human Rights* and international human rights law, as well as the Organization of American States’ *American Declaration on the Rights of Indigenous Peoples*; and
2. the BCAFN Chiefs-in-Assembly directs the Regional Chief working with the FNS and UBCIC as the FNLC and province wide sector wide organizations, to:
 - a. engage with First Nations in BC to seek input and direction to inform participation on the co-development of federal legislation to implement the UN Declaration, including the development of a BC-specific action plan to implement the UN Declaration and federal legislation; and
 - b. report back to the BCAFN Chiefs-in-Assembly on progress made, and to seek further input and direction on any drafts of federal legislation to implement the UN Declaration and the BC-specific action plan.

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