



British Columbia All Chiefs' Task Force

POLITICAL-LEGAL OVERVIEW (PHASE TWO)

Overview:

The Political-Legal Working Group (a subcommittee of the First Nations Task Force), was struck to develop recommendations to achieve an answer to the failed Recognition Legislation initiative. The following areas were identified as the key elements that must be addressed;

- A) Effective implementation of,
 - i. section 35 constitutional recognition of Aboriginal and treaty rights,
 - ii. court decisions, and
 - iii. the UN Declaration on the Rights of Indigenous Peoples and the OAS Declaration on the Rights and Duties of Man,
- B) Revision of the comprehensive claims policy, and
- C) Implementation of the duty of the Crown to negotiate in good faith and uphold its fiduciary duty.
- Key priorities
 - Effective implementation of s. 35 recognition of Aboriginal & Treaty rights
 - Legislative options
 - New litigation options
 - Treaty / Negotiated options- Common Table & Other Agreements
 - Policy options
 - Assertion options (just do it)
 - Effective implementation of UN Declaration on the Rights of Indigenous Peoples and the OAS Declaration on the Rights and Duties of Man
 - Develop a proposed advocacy strategy
 - Meetings with key officials
 - Linkages with partners such as the AFN and social justice and educational organizations, etc.
 - Community tools and materials (i.e. UN DRIP toolkit work conducted by the Political-Legal Working Group in phase 1)

- Revise Comprehensive Claims Policy
 - Develop a plan for the development of a collective First Nations policy position paper on the Comprehensive Claims Policy (building upon the gap analysis and other work conducted by the Political-Legal Working Group in phase 1)
 - Liaise with other regions and the national AFN to assess ongoing work on the Comprehensive Claims Policy and linkages that may need to be made
 - Develop options for a political lobby of the federal government to change the Comprehensive Claims Policy (either to be conducted by the political organizations, or through engaging a lobby firm – see Unity Protocol template)
- Effective implementation of duty to negotiate in good faith
 - BC Treaty Commission study
 - Class Action
 - Litigation by Nations

Recommendations:

Recommendation 1

- To develop a unified Framework/Plan for action on key priorities for the political organizations (BCAFN, FNS, UBCIC)
 - Political and advocacy efforts
 - Research requirements
 - Collaboration and linkages with other organizations
 - Potential resourcing required for implementation

Recommendation 2

- Develop framework/plan for a First Nations Think-tank / Centre for Policy / Legal Defence
 - First step undertake preliminary research into existing policy and legal institutes worldwide

Recommendation 3

- Develop implementation plan for existing key court decisions
 - Host a second 2 day legal workshop at Westbank