



BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS

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BCAFN ANNUAL GENERAL MEETING

Resolution 08/2019

Musqueam Community Centre, Xʷməθkʷəy̓əm, Vancouver, BC
September 18-20, 2019

SUBJECT: SUPPORT FOR A LEGISLATIVE FRAMEWORK FOR THE IMPLEMENTATION OF THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

MOVED BY: CHIEF DONNA ALJAM, NICOMEN INDIAN BAND

SECONDED BY: CHIEF DON TOM, TSARTLIP FIRST NATION

DECISION: CARRIED

WHEREAS:

- A. We are sovereign Indigenous Nations with the right to protect and 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 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. The UN Declaration, which the government of Canada has adopted without qualification, and has, alongside the government of BC committed to implement, affirms:

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A blue ink signature of Terry Teegee, BC Regional Chief.

Terry Teegee, BC Regional Chief

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;

- F. The 43rd item in the TRC's Calls to Action calls upon the federal, provincial, territorial, and municipal governments to fully adopt and implement the UN Declaration as the framework for reconciliation, and the government of BC has stated its commitment to implement those Calls to Action;
- E. Federal Bill C-262, An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration (the UN Declaration) on the Rights of Indigenous Peoples was a private members bill put forward by NDP MP Romeo Saganash, and was adopted by the House of Commons, but was stalled during the Senate Committee review stage resulting in delay after delay, eventually preventing the bill from receiving royal assent;
- F. Despite the demise of Bill C-262, the UN Declaration has status of customary international law and is fully applicable to Canada without requiring statutory implementation—although the proposal for a national plan in Bill C-262 would have been important for concrete and meaningful progress. The UN Declaration remains a valuable human rights instrument which is guiding better understandings of Indigenous peoples' human rights and assisting to improve relationships and respect through various other legislative enactments;
- G. Many articles contained in the UN Declaration impact matters for Indigenous peoples that fall under the authority of the Province;
- H. The Government of British Columbia, through Premier Horgan's Ministerial Mandate Letters, the 2017 Confidence and Supply Agreement between the BC Green Caucus and the BC NDP Caucus, the Commitment Document: Shared Vision, Guiding Principles, Goals and Objectives ("Vision"), and Concrete Actions: Transforming Laws, Policies, Processes and Structures ("Concrete Actions"), and 2019 Throne Speech has committed to jointly design, construct and implement a principled, pragmatic and organized approach to implement the section 35 Constitution Act, 1982 framework in British Columbia, the Tsilhqot'in decision and other established law, the UN Declaration, and the Truth and Reconciliation Commission's (TRC) Calls to Action;
- I. The Government of British Columbia reaffirmed its commitment to the implementation of provincial UN Declaration legislation following the defeat of Bill C-262;

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- J. The BCAFN Chiefs-in-Assembly have previously expressed support for the UN Declaration via resolutions 07/2008 and 04n/2015, and support for co-development of BC UN Declaration legislation via resolution 21/2016 regarding the Commitment Document;
- K. A legislative framework for the implementation of the UN Declaration must have particular focus on:
- 1) Reforming laws, regulations and policies to ensure that the free, prior and informed consent of Indigenous Peoples is required for any decisions that have the potential to impact on Indigenous Title and Rights, and Treaty Rights;
 - 2) Providing Indigenous Peoples the necessary resources and capacity to fully participate in the review of laws and policies
 - 3) The development of an independent oversight body to review and report on implementation process;
 - 4) A public education component providing information and knowledge of Human Rights as they pertain to Indigenous peoples to BC Public Service Employees and the BC public at large; and
- L. Implementation of the UN Declaration constitutes a principled framework for justice, reconciliation, healing and peace.

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly support and endorses the full implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*;
2. The BCAFN Chiefs-in-Assembly encourage Indigenous Nations to utilize the *United Nations Declaration on the Rights of Indigenous Peoples* in agreements with the Governments of Canada and BC applying the appropriate sections applicable to each Indigenous Nations' inherent jurisdiction, Title and Rights;
3. The BCAFN Chiefs-in-Assembly encourage First Nations in BC to endorse the *United Nations Declaration on the Rights of Indigenous Peoples* by formal resolution;
4. The BCAFN Chiefs-in-Assembly supports the development of a provincial legislative framework for the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*;
5. The BCAFN Chiefs-in-Assembly direct the Regional Chief and BCAFN staff, working with the Union of BC Indian Chiefs and the First Nations Summit as the First Nations Leadership Council,

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to work with the government of BC to draft provincial legislation for the unqualified implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*;

6. The BCAFN Chiefs-in-Assembly direct the Regional Chief to provide an update regarding the drafting of provincial legislation at the 2020 Special Chiefs Assembly;
7. The BCAFN Chiefs-in-Assembly call on the Regional Chief working with the First Nations Leadership Council to engage and seek input from First Nations in BC on the development of the legislation and to ensure engagement and communication with First Nations throughout the process of development; and
8. The BCAFN Chiefs-in-Assembly calls on the Province of BC to consult in good faith for the full implementation of **Article 19** of the *United Nations Declaration on the Rights of Indigenous Peoples* which states:
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.

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