



## BC ASSEMBLY OF FIRST NATIONS

1004 Landooz Road  
Prince George, BC V2K 5S3  
Website: [www.bcafn.ca](http://www.bcafn.ca)

**BCAFN 17<sup>th</sup> ANNUAL GENERAL MEETING**

**November 17 & 18, 2020**

**Online via Zoom**

**Resolution 15/2020**

**SUBJECT: PROTECTION OF THE INHERENT RIGHT OF FIRST NATIONS TO USE AND POSSESS EAGLES FEATHERS AND PARTS FOR SOCIAL, CULTURAL AND CEREMONIAL PURPOSES**

---

**MOVED BY: CHIEF RALPH LEON, STS'AILES**

---

**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:**

- i. Article 11 (1): Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

Article 11 (2): States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

- ii. Article 12 (1): Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use

---

**Certified copy of a resolution adopted on the 18<sup>th</sup> day of November 2020**

---

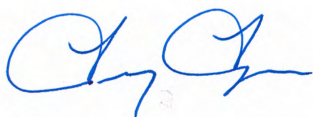
**Terry Teegee, BC Regional Chief**

and control of their ceremonial objects; and the right to the repatriation of their human remains.

- iii. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
  - iv. Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
  - v. Article 34: Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.
- B. First Nations use eagles for feathers and other parts for social, cultural and ceremonial purposes in a holistic and respectful manner.
- C. First Nations have the inherent Aboriginal right to use animals and animal parts – including eagles – for social, cultural and ceremonial purposes such as: traditions, cultural protocols and practices, self-determination, and inter-generational transmission of traditional knowledge and livelihoods.
- D. First Nations have the jurisdiction and the responsibility to protect and conserve Mother Earth and all animals, in particular eagles, within their respective territories.
- E. The Convention on International Trade in Endangered Species and Wild Fauna and Flora (CITES) is an international agreement that regulates the trade of animals and plants for their protection. Under Memorandum D19-7-1: Interpretation of the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Indigenous Peoples crossing the United States (U.S.)-Canada Border are exempted from CITES permit requirements whereas:
- a. *“Travellers who transport eagle parts and feathers as personal accompanied baggage for religious or ceremonial purposes are exempted from CITES permit requirements for importation into Canada.*
- F. Reported violations to First Nations’ right to use, possess, and transport eagle feathers and parts include: Conservation Agents trespassing onto reserve lands, privacy violations, defamatory media circulation, concealment and fabrication of evidence, and permit requirements.

---

Certified copy of a resolution adopted on the 18<sup>th</sup> day of November 2020



---

Terry Teegee, BC Regional Chief

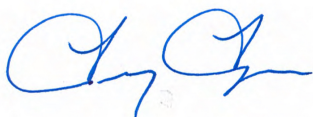
- G. First Nations experience wrongful convictions and penalties for the use, possession, and transport of eagle feathers and parts demonstrating a need for greater support for – and the proper implementation of – restorative justice processes to address these rights violations.
- H. The colonial Wildlife Act undermines First Nations’ right to sustainably harvest and utilize eagle feathers for cultural purposes.
- I. Sustainable harvest and use does not pertain to the sale of eagle parts for financial or economic purposes.

**THEREFORE BE IT RESOLVED THAT:**

- 1. The BCAFN Chiefs-in-Assembly call on the provincial government to establish a process to address issues related to the inherent preexisting right recognized in law by Canada and the discriminatory practices involving charging First Nations of their rightful use, possession, transport of eagle feathers and parts;
- 2. The BCAFN Chiefs-in-Assembly call on conservation officers and other law enforcement to work with the appropriate Indigenous restorative justice process for First Nations’ wrongly convicted and/or charged for their rightful use, possession, and transport of eagle feathers and parts;
- 3. The BCAFN Chiefs-in-Assembly urge BC First Nations to utilize our own laws, orders, and traditions in order to use, possess and transport eagle feathers and parts while acknowledging the importance of maintaining the health of wildlife populations;
- 4. The BCAFN Chiefs-in-Assembly call on the Attorney General of British Columbia to order an investigation and prosecution of those Conservation Officers who conspired in 2005 and 2006 to prosecute innocent Aboriginal people by means, that included among other things: fabrication of evidence, counselling Aboriginal people to commit offences, entrapment, publishing false media releases and defrauding the Government of British Columbia by schemes designed for personal enrichment. The consequences of this government conduct resulted in loss of liberty (imprisonment), loss of cultural identity, dignity, privacy and personal relationships with lasting effects to this day;
- 5. The BCAFN Chiefs-in-Assembly urge provincial agents to provide redress – including restitution, repatriation, and the reversal for convictions – for violations to First Nations’ right to use, possess, and transport eagle feathers and parts; and
- 6. The BCAFN Chiefs-in-Assembly direct the Regional Chief and staff to advocate and call for the reform of the Wildlife Act in order to uphold the minimum standards set out in the *United Nations Declaration on the Rights of Indigenous Peoples*.

---

**Certified copy of a resolution adopted on the 18<sup>th</sup> day of November 2020**



---

**Terry Teegee, BC Regional Chief**