



BC ASSEMBLY OF FIRST NATIONS

1004 Landooz Road
Prince George, BC V2K 5S3
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BCAFN 17th ANNUAL SPECIAL CHIEFS MEETING
March 3 & 4, 2021
Online via Zoom

Resolution 08/2021

SUBJECT: **ENHANCING BILL C-15 FEDERAL LEGISLATION TO IMPLEMENT THE *UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES***

MOVED BY: **CHIEF GORDON PLANES, T'SOU-KE NATION**

SECONDED BY: **CHIEF BEVERLY JOHN, TL'AZT'EN NATION**

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 adopted by the General Assembly in September 2007, after more than 20 years of debate and discussion.
- 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 Canada has adopted without qualification and has, along with the Province of British Columbia, committed to implement, affirms, among other things:

Article 27: States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition

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to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and 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.

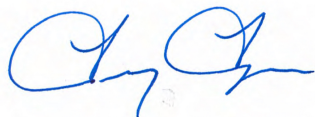
- E. The Truth and Reconciliation Commission of Canada Calls to Action, accepted by both Canada and the Province of British Columbia, state:

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. By Resolution 08/2019, "Support for a Legislative Framework for the Implementation of the United Nations Declaration on the Rights of Indigenous Peoples," the BCAFN Chiefs-in-Assembly established full support and implementation of *the Declaration* and called on the BCAFN as part of the FNLC to engage and seek input from First Nations on the development of legislation;
- G. By Resolution 01/2020, "Federal Legislation to create a Framework for the Implementation of the *UN Declaration*," the BCAFN Chiefs-in-Assembly called upon Canada to develop a government Bill which was premised on former Bill C-262 as the "floor", with improvements, and requested the following processes:
- i. establish a BC-specific collaborative process to fulfill its commitment to introduce co-developed legislation to implement the UN Declaration 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;
 - ii. work in collaboration and partnership with First Nations in BC and the First Nations Leadership Council (BCAFN, FNS and UBCIC) in any co-development process regarding federal legislation to implement the UN Declaration;
 - iii. work in collaboration and partnership with First Nations in BC and the First Nations Leadership Council 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*.

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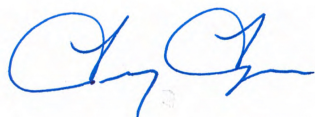
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- H. On November 26, 2019, the Province of British Columbia passed the *Declaration on the Rights of Indigenous Peoples Act* (the “Declaration Act”), to implement the UN Declaration, making it the first province in Canada to enact such legislation.
- I. The federal government tabled Bill C-15 *an Act respecting the United Nations Declaration on the Rights of Indigenous Peoples* (Bill C-15) in the House of Commons on December 3, 2020.
- J. To date, a number of areas of improvement have been identified to Bill C-15 by First Nations that need to be addressed and improved to ensure legislation comprehensively and duly implements the UN Declaration, including, but not limited to:
- i. Section 2(2) should return the word “diminish” used in former Bill C-262. This section, and the Bill, must be clear that Canada is repudiating colonialism and not in any form attempting to have the UN Declaration subordinated or domesticated to an inferior Canadian standard;
 - ii. The word “racism” must be added in preambular paragraph 8, and in section 6(2), to be clear that all forms of racism must be eradicated in Canada as well as all violence and discrimination against Indigenous peoples;
 - iii. The removal of the words “a framework” in section 4(b) of the purposes clause as it is vague in the context of a substantive legislative provision;
 - iv. The “three” year reference in section 6(4) should be removed and replaced with a “one” year timeframe for the preparation of the action plan, as this work is urgent and should not be delayed for up to three years from the date of commencement of the Bill; and
 - v. The Bill needs to be clear that colonial and moral superiority approaches that are rejected include both the doctrines of discovery and *terra nullius*, and these should be explicitly added to the preambular paragraph 9 and a substantive provision.
- K. First Nations in BC will continue to assess Bill C-15 through dialogue and legal review to identify improvements for recommendation to strengthen the Bill as much as possible.

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly support Bill C-15 advancing through the Parliamentary process with further improvements, including the ones outlined in this resolution;
2. the BCAFN Chiefs-in-Assembly direct the Regional Chief, working with the First Nations Summit and the Union of BC Indian Chiefs as the First Nations Leadership Council, to take any and all opportunities to seek improvements to the Bill, including those outlined herein, as it advances through the Parliamentary process; and
3. the BCAFN Chiefs-in-Assembly direct the Regional Chief, working with the First Nations Summit and the Union of BC Indian Chiefs as the First Nations Leadership Council, to prepare a submission


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outlining recommendations for improvements in Bill C-15 and request to appear before any standing committee examining Bill C-15 in order to advocate for and advance these improvements.

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A handwritten signature in blue ink, appearing to read 'Terry Teegee', is written over a horizontal line.

Terry Teegee, BC Regional Chief