



BC ASSEMBLY OF FIRST NATIONS

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BCAFN SPECIAL CHIEFS ASSEMBLY

March 9-10, 2023

Hybrid - In person & online via Zoom

Resolution 05/2023

SUBJECT: SUPPORT FOR THE DEVELOPMENT OF A TRIPARTITE NATURE AGREEMENT

Moved BY: CHIEF LYNDIA PRICE, ULKATCHO FIRST NATION

SECONDED BY: CHIEF JERRY JACK, MOWACHAHT/MUCHLAHT FIRST NATION

DECISION: CARRIED

WHEREAS:

- A. Nature Agreements are framework mechanisms to describe clear and strong commitments to nature conservation and protection and include mutually agreed upon actions and financial commitments from federal and provincial governments to reach conservation goals, and should be codeveloped with inherent Title and Rights holders as partners. More specifically, Nature Agreements may include:
- i. Creation and expansion of protected and conserved areas, as well as key biodiversity areas, Indigenous-led conservation, and other effective area-based conservation measures;
 - ii. Protecting critical habitat and adopting land use planning measures to improve outcomes for species at risk and migratory birds;
 - iii. Facilitating information and data exchange to improve conservation outcomes;
 - iv. Mitigating and building resilience to climate change by reducing land use change and practices with greenhouse gas emission impacts, and facilitating carbon sequestration and storage through ecosystem restoration;

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Terry Teegee, BC Regional Chief

- B. The *United Nations Declaration on the Rights of Indigenous Peoples*, which the Government of Canada has adopted without qualification, and has, alongside the government of B.C., committed to implement, affirms:

Article 10: Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior, and informed consent of the Indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return;

Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions;

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;

Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired; **(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; **(3):** States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned;

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 adjudicate the rights 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 28 (1): Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and re- sources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and in- formed consent; **(2):** Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress;

Article 29 (1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination; **(2):** States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent; **(3):** States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources; **(2):** States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources; **(3):** States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact; and

- C. The Government of Canada and the Province of British Columbia (BC) have confirmed interest in codeveloping a tripartite Nature Agreement to address the dual crises of biodiversity loss and climate change and which is grounded in recognition of First Nations' rights and jurisdiction given that First Nations in BC have land-based title and rights in BC and are disproportionately affected by global biodiversity and climate impacts and that First Nations' leadership and knowledge is critical to achieving transformative changes and sustained actions to address these crises.

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-As directs the Regional Chief, working collectively with the Union of BC Indian Chiefs, and the First Nations Summit as the First Nations Leadership Council, to engage in tripartite discussions with the Government of Canada and the Province of British Columbia (BC) to co-develop a draft tripartite Nature Agreement for consideration by the Chiefs;
2. That the BCAFN Chiefs-in-Assembly directs the Regional Chief to ensure that any draft Nature Agreement:

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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

- i. is consistent with and upholds Indigenous human rights described in the *United Nations Declaration on the Rights of Indigenous Peoples*;
 - ii. takes a distinctions-based approach to ensure that the unique rights, interests, and circumstances of titleholding First Nations peoples in BC are acknowledged, affirmed, and respected;
 - iii. ensures that First Nations are full partners in the identification of areas for conservation and protection and in habitat enhancement and restoration initiatives;
 - iv. ensures that First Nations are full partners in any planning and decision-making processes, including for land use and species at risk protection and recovery; and,
 - v. includes a strong and central role for Indigenous knowledge and science, while upholding and respecting Indigenous data sovereignty;
3. The BCAFN Chiefs-in-Assembly directs the Regional Chief to ensure that the draft Nature Agreement enables and does not in any way constrain or impact the individual negotiations, joint decision-making, and joint planning that rightfully belongs between the Crown and title-holders;
4. The BCAFN Chiefs-in-Assembly directs the Regional Chief, working with the Union of BC Indian Chiefs and the First Nations Summit as the First Nations Leadership Council, to work with the Government of Canada and Province of BC to develop and implement a process for consultation and cooperation with First Nations on the draft Nature Agreement, and provide regular reports to the BCAFN Chiefs-in-Assembly on the ongoing tripartite discussions; and
5. That BCAFN Chiefs-in-Assembly directs the Regional Chief to bring any recommended draft Nature Agreement to the BCAFN Chiefs-in-Assembly for review and endorsement by resolution.