



BC ASSEMBLY OF FIRST NATIONS

1004 Landooz Road
Prince George, BC V2K 5S3
Website: www.bcafn.ca

BCAFN SPECIAL CHIEFS ASSEMBLY
March 9-10, 2023
Hybrid - In person & online via Zoom

Resolution 13(a)/2023

SUBJECT: PROVINCIAL EMERGENCY MANAGEMENT LEGISLATION

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. First Nations must be full and equal partners in all aspects of emergency management decision-making, and all phases of emergency management implementation in their territories, as recommended in "Trail By Fire: Nadleh Whut'en and the Shovel Lake Fire Report", the Tsilhqot'in Nation's report "The Fires Awakened Us (Nagwedižk'an Gwaneš Gangu Chinidžed Ganexwilagh)" and the Abbott-Chapman report;
- B. On November 28, 2019, the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) received Royal Assent in the British Columbia Legislature, making the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) applicable to the laws of British Columbia;
- C. In October 2018, the Province of British Columbia became the first Canadian province to adopt the United Nations 2015-2030 *Sendai Framework for Disaster Reduction* (Sendai Framework) as the guiding approach for disaster risk reduction. The Sendai Framework states that natural disasters are exacerbated by climate change and are increasing in frequency and intensity, and outlines a set of practical recommendations to build a

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culture of safety and resilience at all levels of government and across society regarding hazard and disaster risk reduction;

D. On March 30, 2022, the Province of British Columbia released its first 5-year Declaration Act action plan, outlining 89 specific actions the provincial government will take toward meeting the objectives of the UN Declaration. Action 1.10 commits to the co-development with First Nations in British Columbia of modernized emergency management legislation to replace the current *Emergency Program Act*;

E. The UN Declaration, which the government of Canada has adopted without qualification, and has, alongside the government of BC, committed to implement, affirms:

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 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 current *Emergency Program Act* is not in alignment with the UN Declaration or the Sendai Framework, and fails to acknowledge the inherent Title, Rights and jurisdiction of First Nations in BC. Modernized provincial emergency management legislation must:

- a. Be consistent with the UN Declaration;
- b. Be co-developed with First Nations;
- c. Enable the Province to engage in joint and consent-based decision-making with First Nations in BC, recognizing First Nations' right to self-determination, jurisdiction and governance role in emergency management and related decision-making;
- d. Provide for effective government-to-government relationships for emergency management and support enhanced disaster risk governance and mitigation, effective response, recovery, rehabilitation and reconstruction; and
- e. Incorporate and use First Nations' laws and knowledge in all phases of emergency management; and

G. By BCAFN Chiefs-in-Assembly Resolution 25-2021 "Implementation of the *Declaration on the Rights of Indigenous Peoples Act* – Action Plan and Alignment of Laws," the

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BCAFN Chiefs-in-Assembly called on the Province of British Columbia, in partnership with the UBCIC, BC Assembly of First Nations (BCAFN), and the First Nations Summit (FNS), working collaboratively as the First Nations Leadership Council (FNLC), to engage with First Nations in BC and legal experts on additional measures to ensure that all new and existing provincial laws are consistent with the UN Declaration and are developed in consultation, cooperation and collaboration with First Nations.

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly demands that any new provincial emergency management legislation replacing the *Emergency Program Act* be co-developed with First Nations in BC who are inherent Title and Rights holders, and be consistent with the UN Declaration and the Sendai Framework;
2. The BCAFN Chiefs-in-Assembly directs the Regional Chief to communicate to the Province that alignment of the *Emergency Program Act* with Indigenous human rights should achieve the following outcomes:
 - i. A coordinated and cooperative multi-jurisdictional landscape in emergency management, reflecting First Nations as self-determining and self-governing within their respective territories, with joint and consent-based decision-making;
 - ii. Government-to-government relationships in all phases of emergency management, planning, response, and recovery, including clear communications, transparency, and inclusive processes;
 - iii. Reduce climate change and disaster-related impacts, including those that threaten the diverse needs and knowledges of First Nations in all regions of the province.
 - iv. Inclusion and use of First Nations laws, knowledge, and worldviews in all phases of emergency management;
 - v. First Nations have the financial and technical support required to effectively respond to climate change and emergencies; and
3. 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 ensure that while the provincial emergency management legislation is being updated, First Nations in BC receive financial and technical assistance from the Province of BC and/or Canada to recoup costs for keeping their communities safe during recovery and to continue working on prevention, and that recovery costs are not stalled due to jurisdictional disagreements between BC and Canada on who pays.

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