



BC ASSEMBLY OF FIRST NATIONS

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BCAFN ANNUAL GENERAL MEETING
October 8, 9 & 10, 2024
Hybrid - In person & online via Zoom

Resolution 33/2024

SUBJECT: SUPPORT FOR THE LEGAL RECOGNITION OF THE RIGHTS AND PERSONHOOD OF NATURE

Moved BY: CHIEF JAMES HOBART, SPUZZUM FIRST NATION

SECONDED BY: KUKPI7 RHONDA PHILLIPS , XATSULL FIRST NATION

DECISION: CARRIED

WHEREAS:

- A. The inherent relationship between First Nations and the natural world is foundational to our cultures, languages, spirituality and worldviews grounded in principles of stewardship, reciprocity, and respect for all living beings;
- B. for many First Nations, nature is a sacred being and integral to the health, well-being, and cultural identity and its protection is essential for the survival of future generations;
- B. First Nations have the inherent right and responsibility to protect and steward nature within our traditional territories, ensuring its integrity, health and sustainability for current and future generations;
- C. the degradation and depletion of ecosystems due to industrial activities, resource extraction, urban development, climate change, and inadequate regulatory frameworks threaten the well-being of First Nations, biodiversity, and the ecosystem health that we rely on;
- D. the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), which the

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government of Canada has adopted without qualification and has, alongside the government of BC passed legislation committing to implement, affirms:

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:

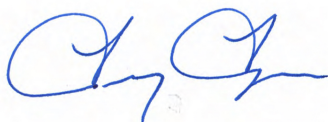
1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional 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 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.

- E. international movements, such as the recognition of legal rights for rivers in New Zealand, Bolivia and Ecuador highlight the growing global shift towards legal frameworks that recognize natural entities, like water, as living entities with inherent rights;
- F. in February 2021, the Muteshekau Shipu (Magpie River), located in the Quebec region, became the first river in Canada to be granted legal personhood by passing joint resolutions between the Innu Council of Ekuanitshit and the municipality of Mingani;
- G. recognizing the legal rights of nature must affirm First Nations' inherent jurisdiction, laws, and legal orders in order to support the protection of these vital resources in alignment with First Nations' laws, customs, and governance systems;
- H. recognizing nature as a legal entity affords ecosystems' rights equivalent to those of

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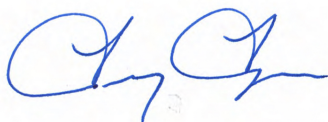
the basic rights for survival and dignity afforded to humans, thereby allowing them to have legal representation, standing in courts, and protections under law;

- I. environmental degradation disproportionately affects Indigenous peoples, undermining our ability to sustain traditions, cultural practices, health, and economic well-being. Recognizing the rights of nature provides for environmental justice, ensuring that First Nations' rights under the UN Declaration are safeguarded synonymously with ecological protection.

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly call on the Regional Chief to provide political advocacy, where a First Nation requests, in addition to their unceded Aboriginal title, to support the advancement of the legal recognition of the rights of and personhood of nature, including water bodies such as rivers and lakes, forests and mountains within a First Nations' unceded traditional territory;
2. The BCAFN Chiefs-in-Assembly call upon all levels of government — federal, provincial, and municipal — to work in full partnership with First Nations to legally recognize and protect the rights of nature, where requested;
3. The BCAFN Chiefs-in-Assembly call on the federal and provincial governments to work in partnership with First Nations to develop and/or modernize legislation that recognizes the legal rights of nature, in full alignment with the *United Nations Declaration on the Rights of Indigenous Peoples*, and to ensure that First Nations' knowledge systems, legal orders, jurisdiction and governance structures are respected and upheld in these frameworks; and
4. The BCAFN Chiefs-in-Assembly direct BCAFN to work with like-minded organizations and where applicable academic institutions, international organizations, and Indigenous Peoples to develop policy positions, legal resources, and tools to support First Nations' efforts to advance the legal personhood of nature within their unceded territories.

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