



UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

OVERVIEW

The United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration) was adopted by the UN General Assembly on September 13, 2007.

Governments and Indigenous peoples from around the world worked together for decades to achieve this success. First Nations played a key role in this work. Many of our people are acknowledged globally as international human rights experts.

The UN Declaration does not create new rights. It affirms pre-existing or inherent rights of Indigenous peoples. These human rights include the collective right to self-determination. The UN Declaration sets out minimum human rights standards that are necessary 'for the dignity, survival and well-being of indigenous peoples'.

Canada is now part of eight consensus resolutions of the United Nations affirming the UN Declaration. This includes working with Indigenous peoples to develop national action plans and other measures to support implementation.

In addition, Call to Action 43 of the Truth and Reconciliation Commission of Canada (TRC) calls on federal, provincial, territorial and municipal governments to fully adopt and implement the UN Declaration as the framework for reconciliation. Call to Action 44 calls on Canada to develop a national

action plan and other measures to support the implementation of the UN Declaration. The federal government has expressed its support for all 94 Calls to Action of the TRC.

Every day First Nations are exercising the right to self-determination. First Nations also frequently reference the UN Declaration in decision-making, policy statements, litigation and in asserting and exercising inherent and Treaty rights.

The AFN has passed numerous resolutions calling for the full and meaningful implementation of the UN Declaration including development of a federal legislative framework to support implementation (e.g. AGA Resolution 28/2016, *United Nations Declaration on the Rights of Indigenous Peoples 10 Year Anniversary*).

In 2016, following a request from National Chief Bellegarde to Prime Minister Trudeau, Canada expressed its unqualified support for the UN Declaration at the UN Permanent Forum on Indigenous Issues.

In 2016, MP Romeo Saganash tabled Private Members Bill C-262, *The United Nations Declaration on the Rights of Indigenous Peoples Act*. This Bill would require Canada to work with Indigenous peoples to ensure federal law is consistent with the UN Declaration and to work with Indigenous

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peoples to develop a National Action Plan. First Nations have expressed strong support for Bill C-262.

Under the Canada-AFN MOU on Joint Priorities, signed on June 12, 2017, Canada has committed to “work in partnership on measures to implement the United Nations Declaration on the Rights of Indigenous Peoples, including co-development of a national action plan and discussion of proposals for a federal legislative framework on implementation”.

In 2017, AFN brought these implementation issues to the attention of the UN Committee for the Elimination of Racial Discrimination (CERD). In August 2017, CERD recommended that Canada adopt a legislative framework, a national action plan and also reform national laws, policies and regulations to bring them into compliance with the UN Declaration.

In September 2017, in his address to the United Nations, the Prime Minister acknowledged Canada’s shortcomings in meeting its obligations to Indigenous peoples while re-stating Canada’s commitment to the implementation of the UN Declaration. The

Prime Minister acknowledged the Declaration is not merely an aspirational document. He also said “In the words of Canada’s Truth and Reconciliation Commission, the Declaration provides “the necessary principles, norms, and standards for reconciliation to flourish in twenty-first-century Canada.”

In November 2017, National Chief Perry Bellegarde wrote to each Member of Parliament and Senator requesting their support for Bill C-262, and also wrote to the Minister of Justice (the Honourable Jody Wilson-Raybould) to urge the government to express its support for Bill C-262.

On November 20, 2017, Minister Wilson-Raybould announced government support of Private Members Bill C-262.

- Resolution 97/2017, *Support for Bill C-262, An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous People*, was passed by Chiefs-in-Assembly affirming First Nations’ support for Bill C-262.

UPDATE

In January 2018, National Chief Bellegarde wrote to Prime Minister Trudeau to acknowledge the government’s expressed support for Bill C-262 and the need for engagement with First Nations respecting Canada’s stated interest in additional initiatives.

On February 7, Bill C-262 was adopted at second reading. All members of Parliament voted in favour of Bill C-262, with the exception of the Conservative Party of Canada. Bill C-262 has been sent to a parliamentary committee for further discussion and possible amendment. The Bill will then come back to the House of Commons for third and final reading.

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National Chief Bellegarde presented on the UN Declaration at the House of Commons Standing Committee on Indigenous Peoples and Northern Affairs on March 27, 2018. National Chief Bellegarde maintained that Bill

C-262 would help advance Canada's commitment to work with First Nations on a national action plan to achieve the objectives of the Declaration, and to report annually on progress.

NEXT STEPS

- The Bill is currently in Parliamentary Committee for further review. The AFN will continue to call for support from all Members of Parliament and Senators, and inform First Nations of developments.
- The AFN has put forward several clarifying amendments that are consistent with the principle of the Bill. These additions consist of the inclusion of the doctrines of discovery and terra nullius in the bill when recognizing doctrines of superiority. Secondly, an addition in the preamble to include the four principles that guide the approach to working with First Nations: Recognition of rights, respect, cooperation and partnership. Thirdly, the importance of Treaties and other agreements should be highlighted consistent with the UN Declaration.

