



## **UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES**

### **OVERVIEW**

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The United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration) was adopted by the UN General Assembly on September 13, 2007. The UN Declaration sets out minimum human rights standards that are necessary ‘for the dignity, survival and well-being of Indigenous Peoples’.

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.

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.

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.

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 2016, MP Romeo Saganash tabled Private Members Bill C-262, *The United Nations Declaration on the Rights of Indigenous Peoples Act*. This Bill sought to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples. The Bill would have required Canada to work with Indigenous peoples to develop a National Action Plan. First Nations expressed strong support for Bill C-262.

The AFN put into effect a strong advocacy effort in support of the Bill. However, Bill C-262 succumbed to delay tactics by Conservative Senators before the end of the last session of Parliament and did not receive Royal Assent.

The advocacy campaign included:

- In 2017, AFN brought implementation issues related to the *UN Declaration* 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 to reform national laws, policies and regulations to bring them into compliance with the UN Declaration.
- In September 2017, National Chief Perry Bellegarde wrote to then Minister of Justice the Honourable Jody Wilson-Raybould to urge the government to

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- express its support for Bill C-262. In November 2017, National Chief Bellegarde wrote to each Member of Parliament and Senator requesting their support for Bill C-262.
- On November 20, 2017, Minister Wilson-Raybould announced government support for Private Members Bill C-262.
  - The House of Commons held a first hour of debate on Bill C-262 on December 5, 2017. On the same day, 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 Peoples*, was passed by Chiefs-in-Assembly affirming First Nations' support for Bill C-262.
  - 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 May 27, 2018 the National Chief testified in support of the bill before the Standing Committee on Indigenous and Northern Affairs.
  - In addition, the AFN initiated a successful email letter campaign to Senators which resulted in over 700,000 letters being emailed to Senators.
  - In November 2018, the National Chief addressed the Independent Senators Group on all First Nations Priority legislation, including Bill C-262.
  - The AFN supported demonstrations against coordinated delay tactics in the Senate, employed a successful advocacy day and made countless phone calls to parliamentarians and Senators.
  - The AFN worked closely with the Coalition on the Human Rights of Indigenous Peoples in this endeavor.

### UPDATE

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On November 29, 2018, The AFN identified legislation to implement the *UN Declaration* "that is at least as strong as Bill C-262" as a key commitment in its document *Honouring Promises: 2019 Federal Election Priorities for First Nations and Canada* released just before the writ was issued for the 2019 election.

The Green Party, New Democratic Party and the Liberal Party committed to implement the *UN Declaration* through government

legislation in their respective election platforms.

The Liberal Party committed to take action to implement the *United Nations Declaration on the Rights of Indigenous Peoples* in the first year of a new mandate.

On October 24, 2019 British Columbia introduced and read for the first time Bill C-41, *Declaration on the Rights of Indigenous Peoples Act, 2019*. The Act provides a

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legislative framework for British Columbia to lead at the provincial level and move forward with the important work of implementing the *UN Declaration*. This framework will address the legacy of colonialism in BC laws and policies that continue to deny Indigenous peoples and individuals their basic human rights.

The Act requires the province to collaborate with Indigenous peoples in developing an action plan to implement the *UN Declaration*. It also calls for a collaborative process to ensure that BC laws live up to the human rights affirmed in the *UN Declaration*.

### NEXT STEPS

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- The AFN will work with the current Minority Government to ensure they follow through on the commitment to create federal legislation to implement the *UN Declaration*.
- The AFN is urging each party leader to support the tabling of federal legislation implementing the *UN Declaration* as the first order of business in the First Session of Parliament.

