



BULLETIN FROM THE NATIONAL CHIEF

September 22, 2020

Regarding the Government of Canada's Engagement Process on UN Declaration Legislation

*The Assembly of First Nations issues regular updates on work underway at the national office.
More information is available at www.afn.ca.*

SUMMARY:

- Before the end of this month, the Government of Canada is expected to commence a six-week engagement process with First Nations, other Indigenous peoples, industry and provinces and territories, respecting the federal government's commitment to introduce legislation to implement the United Nations Declaration on the Rights of Indigenous Peoples. The Department of Justice is leading this engagement.
- The Assembly of First Nations (AFN) has not approved the design of the engagement process nor the materials that may be used.
- Based on ongoing dialogue with the Department of Justice, the AFN anticipates that the proposed draft legislation will closely resemble former private member's Bill C-262 (which was not passed).
- It is critical that draft legislation be tabled as soon as possible in order to have the any realistic chance of being adopted into law before the end of the current government's mandate. National Chief Perry Bellegarde has been meeting with federal party leaders to encourage their support for this objective.
- The AFN will provide continued updates as events unfold and engage with the federal government during this engagement period.

In several resolutions, First Nations-in-Assembly have called for a federal legislative framework to support the implementation of the United Nations (UN) [Declaration on the Rights of Indigenous Peoples](#) (the Declaration)-in Canada. The AFN strongly supported passage of former [Bill C-262](#), *United Nations Declaration on the Rights of Indigenous Peoples Act* introduced by former NDP MP Romeo Saganash. That Bill was passed by the House of Commons in 2018. Unfortunately, in June 2019, Bill C-262 ran out of time for passage in the Senate because of a filibuster by Conservative party Senators. A provincial bill to support implementation in British Columbia ([Declaration on the Rights of Indigenous Peoples Act](#)) was passed in November 2019 as a result of collaborative work between the First Nations Leadership Council and the Government of British Columbia.

[AFN Resolution 86/2019](#) calls for collaborative work between Canada and the AFN to develop such a government bill and provides that a government bill not be any weaker than former Bill C-262. The 2019 federal [Speech from the Throne](#) committed the federal government to introduce such legislation before the end of calendar year 2020. The [Mandate Letter](#) of the Minister of Justice also calls for introduction of co-developed Declaration implementation legislation by the end of 2020.

In January 2020, the AFN Executive Committee passed a motion to establish an AFN Legal Team to provide oversight. Until very recently, federal officials lacked mandate to engage in substantive discussions on the contents of a government bill other than agreeing with the AFN that former Bill C-262 must constitute the “floor” (be as strong as Bill C-262).

The Department of Justice is about to launch a six-week public engagement process. AFN understands the engagement is aimed at First Nations, the provincial and territorial governments, industry and the general public. The Department has suggested that legislation will not be introduced in the House of Commons until the engagement process concludes.

The AFN has some concerns that the federal government’s open-ended engagement process will unnecessarily delay introduction of legislation and encourage opponents to put forward proposals to weaken the legislation.

It is critical that draft legislation, aligned with Resolution 86/2019 be tabled as soon as possible in order to have the any realistic chance of being adopted into law before the end of the current government’s mandate. National Chief Perry Bellegarde has been meeting with federal party leaders to encourage their support for this objective.

Next Steps

- The AFN will monitor developments and continue to send a strong message of support for earliest possible introduction of implementation based on C-262 as the ‘floor’ and passage of such legislation as soon as possible.
- It will be important for First Nations leadership to apply pressure to the MPs in their territories to communicate that this legislation must be a top legislative priority and that First Nations expect all parties to facilitate its passage through Parliament - while ensuring that a government Bill is at least as strong as Bill C-262.