



## **What is the history of this issue and how does it impact First Nations?**

The UN Declaration is an international legal instrument developed by First Nations and other Indigenous Peoples and groups that was adopted by the United Nations (UN) on September 13, 2007, after almost 25 years of collaboration between UN member states and Indigenous Peoples from around the world. Indigenous leaders from Turtle Island played a significant role in its development, including the drafting and negotiating to enshrine the rights that “constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world,” per article 43 of the UN Declaration.

The UN Declaration is the most debated, delayed, and contested Declaration in the history of the United Nations. Almost every AFN Resolution since 2011 explicitly references Articles of the UN Declaration. The UN General Assembly adopted the *Declaration on the Rights of Indigenous Peoples* in September 2007, with an overwhelming majority of 144 countries in favour and four (4) opposed. Canada stood out as one of the four countries to vote against it, along with the United States, Australia, and New Zealand at that time.

Canada shifted its position somewhat in 2010 to support the Declaration, but noted it was an ‘aspirational’ document that was not legally binding. On the 10<sup>th</sup> anniversary of the UN Declaration, Canada’s Liberal government, through CIRNAC Minister Bennett, [confirmed that Canada supports the UN Declaration without reservation on April 25, 2017](#).

The UN Declaration requires domestic implementation legislation to be operationalized in Canada. Former Member of Parliament, Romeo Saganash, tabled such legislation in the form of Private Member’s Bill C-262. However, in 2018, conservative Senators utilized procedural tactics to block Bill C-262 in the Senate and the bill failed.

The Government of Canada further committed, through the 2019 Speech from the Throne and the Mandate Letters of the Ministers of Justice and Crown-Indigenous Relations, that it would table domestic implementation legislation for the UN Declaration. Pursuant to the [Minister of Justice’s Mandate Letter](#) from 2019, Canada committed to introducing “...co-developed legislation to implement the United Nations Declaration on the Rights of Indigenous Peoples by the end of 2020.”

## **How has the AFN’s recent advocacy affected this area?**

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**INDIGENOUS PEOPLES AND BILL C-15**  
**June 2021**



When Bill C-262 was blocked by filibuster tactics in the Senate, Chiefs-in-Assembly next passed a resolution in December 2019 calling for a government bill modelled on Bill C-262. AFN Resolution 86-2019, *Support for Federal Legislation to Create a Framework to Implement the UN Declaration*, states that a government implementation bill must be at least as strong as Bill C-262.

In December 2020, the AFN's Annual General Assembly discussed UN Declaration implementation following the announcement of the 2019 Speech from the Throne and Mandate Letters to the Ministers' of Justice and Crown-Indigenous Relations to table legislation regarding domestic implementation of the UN Declaration. On February 10-11, 2021, the AFN held a two-day National First Nations Leadership Forum on Bill C-15 where hundreds of First Nations leaders discussed this important legislation from a diversity of perspectives.

On April 13, 2021, after hearing First Nations leadership on the proposed legislation, the AFN raised 12 recommendations through presentation to the House of Commons Standing Committee on Indigenous and Northern Affairs (INAN) to make Bill C-15 even stronger. On April 26, 2021, five (5) recommended amendments of the 12 were accepted which included the explicit rejection of all doctrines of superiority and reference to the *Doctrine of Discovery* and *terra nullius*; reducing the time for the Crown to table a National Action plan from three (3) years to two (2); adding the term 'systemic racism' referring to elimination of violence and discrimination; and to explicitly reference Section 35 of the *Constitution Act, 1982* and the underlying constitutional principle and value of protecting Aboriginal and Treaty rights, where the following statement has been added, "Canadian courts have stated that such rights are not frozen and are capable of evolution and growth," and including reference to pluralization of the word 'purposes' as a grammatical amendment.

The *United Nations Declaration on the Rights of Indigenous Peoples Act* moved to the Senate for pre-study on April 20, 2021. The AFN continued to advocate to the Standing Senate Committee on Aboriginal Peoples (APPA) for improvements and passage to Royal Assent. On June 16, 2021, Bill C-15 passed 3<sup>rd</sup> reading in the Senate and received Royal Assent on June 21, 2021; the final version contained the AFN's five (5) proposed amendments.

The 2021 federal budget has set aside \$31.5 million over the next two years to support the co-development of the *United Nations Declaration on the Rights of Indigenous Peoples Act* National Action Plan (NAP) that must be tabled by the Crown within two (2) years.

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## Where do we hope to go in the future?

The historic *United Nations Declaration on the Rights of Indigenous Peoples Act* is now law. The AFN will continue to advocate for all work to fully implement the UN Declaration including the creation of a National Action Plan within two years, to be led by First Nations. The AFN will also advocate for First Nations to lead the review of all of Canada's laws and policies to ensure alignment and compliance with the UN Declaration. The AFN will also advocate for First Nations to lead the annual reporting process by the designated Minister to Parliament. The AFN will also continue to advocate for more funding to support First Nations in the assertion of our inherent and inalienable right to self-determination and participation in these critical processes called for in the *United Nations Declaration on the Rights of Indigenous Peoples Act*.

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