



## **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 (e.g. 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*).

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 would require Canada to work with Indigenous peoples to ensure federal law is consistent with the UN Declaration and to work with Indigenous peoples to develop a National Action Plan. First Nations have expressed strong 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.

### UPDATE

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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 the progress.

On May 30, 2018, Bill C-262 passed third reading in the House of Commons. All members of Parliament voted in favour of Bill C-262, with the exception of the Conservative Party of Canada.

### NEXT STEPS

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- Bill C-262 is currently in the first reading in the Senate.
- 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.
- With regards to Canada's proposed Recognition of Indigenous Rights Framework, National Chief Perry Bellegarde convened a successful AFN National Policy Forum on Affirming First Nations Rights, Title and Jurisdiction in Gatineau, Québec, in September 2018. AFN Resolution 39/2018, *First Nations Determination to the Path to Decolonization, calls for the halt of the current Federal initiative, the Recognition*

*and Implementation of Indigenous Rights Framework, and also the development of a First Nations-led negotiation process to ensure implementation of the UN Declaration.*

- First Nations, with the support of the AFN, are pressing for a reset of the current government process and a shift to a First Nations-led process. Getting it right means working together in ways that truly affirm and implement First Nations rights, title and jurisdiction.