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## Assembly of First Nations

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## Assemblée des Premières Nations

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**Annual General Assembly**  
**July 5, 6, 7, 2022, Vancouver, BC**

**Resolution no. 12/2022**

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**TITLE:** Call for Full First Nations Participation in the Implementation of the UN Declaration

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**SUBJECT:** UN Declaration; Rights and Justice

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**MOVED BY:** Chief Dana Tizya-Tramm, Vuntut Gwitchin First Nation, YK

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**SECONDED BY:** Chief Roland Willson, West Moberly First Nations, BC

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**DECISION** Approved by the AFN Executive Committee by consensus.

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**WHEREAS:**

A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:

- i. Preambular paragraph 18: Convinced that the recognition of the rights of Indigenous Peoples in this Declaration will enhance harmonious and cooperative relations between the State and Indigenous Peoples, based on principles of justice, democracy, respect for human rights, non-discrimination, and good faith.
- ii. Article 1: Indigenous Peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.
- iii. Article 2: Indigenous Peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their Indigenous origin or identity.
- iv. Article 3: Indigenous Peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

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- v. Article 4: Indigenous Peoples, in exercising their right to self-determination, have the right to autonomy or self- government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.
  - vi. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
  - vii. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
  - viii. Article 43: The rights recognized herein constitute the minimum standards for the survival, dignity and well- being of the Indigenous Peoples of the world.
- B.** The Truth and Reconciliation Commission of Canada Calls to Action states:
- i. Call to Action 43: We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.
  - ii. Call to Action 44: We call upon the Government of Canada to develop a national action plan, strategies, and other concrete measures to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples.
- C.** The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls Calls for Justice, call upon all governments to:
- i. 1.2 Implement and fully comply with all relevant rights instruments (such as the UN Declaration and the 3rd Protocol to the United Nations Convention on the Rights of the Child).
- D.** The First Nations-in-Assembly have passed numerous Resolutions calling for implementation of the UN Declaration in Canada including:
- i. 38/2015, Canadas Obligation to Develop with Indigenous Peoples a National Action Plan for Implementation of the UN Declaration on the Rights of Indigenous Peoples;

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- ii. 28/2016, United Nations Declaration on the Rights of Indigenous Peoples 10 year Anniversary;
  - iii. 128/2016 , UN Declaration Legislative Framework and Interpretation of Canadian Laws;
  - iv. 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;
  - v. 14/2018, United Nations Declaration on the Rights of Indigenous Peoples-Legal Standing Implementation;
  - vi. 32/2019, Support the Declaration by Indigenous Nations and Peoples on Indigenous Territories, Colonial Doctrines and the Underlying Myth of Crown Title;
  - vii. 86/2019, Federal legislation to create a framework for implementation of the United Nations Declaration on the Rights of Indigenous Peoples;
  - viii. 17/2021, National Action Plan to Implement the United Nations Declaration on the Rights of Indigenous Peoples
- E. On June 21, 2021, the *United Nations Declaration on the Rights of Indigenous Peoples Act* received Royal Assent. The Act commits Canada to immediately undertaking three key actions to proceed with implementation of the UN Declaration that will directly impact all First Nations.
- F. The Act commits Canada, "in consultation and cooperation with Indigenous peoples", to:
- i. Take all measures necessary to ensure the laws of Canada are consistent with the UN Declaration per Section 5;
  - ii. Prepare a National Action Plan ("Action Plan") to achieve the UN Declaration's objectives within two years of Royal Assent, table that National Action Plan in Parliament as soon as practicable thereafter, and make that plan public per Section 6; and
  - iii. Prepare within 90 days of each fiscal year-end an annual report for the previous fiscal year on the measures taken under section 5 and the preparation and implementation of the action plan referred to in section 6 per Section 7.

**THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:**

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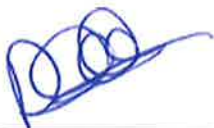
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1. Call on Canada to publicly confirm to the First Nations-in-Assembly at the next Assembly that full and meaningful First Nations leadership and participation in all aspects and processes of implementing the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) are an absolute and unreserved requirement for success now and in the future.
2. Reiterate that Canada, as a colonial Nation, does not acquire directly or indirectly any of the rights, privileges, responsibilities, or sacred relationships affirmed in the UN Declaration by virtue of the *United Nations Declaration on the Rights of Indigenous Peoples Act* (the Act).
3. Remind all colonial governments that the UN Declaration does not require colonial legislations such as the Act to operationalize and apply the UN Declaration within Canada's colonial legal systems.
4. Call on the Government of Canada to immediately deploy further resources to First Nations, as the rights-holders, to ensure meaningful and consent-based First Nations participation in the co-development the National Action Plan that must be completed in less than one year from this Assembly.
5. Direct the Assembly of First Nations (AFN) to advocate for meaningful and fully resourced First Nations participation in all the operative provisions of the Act, specifically Sections 5, 6, and 7 on an ongoing basis.
6. Direct the AFN to provide quarterly updates to all Chiefs henceforth on the status of Canada's activities under the consistency of laws provision at Section 5, the progress on the National Action Plan development and implementation at Section 6, and the annual reporting process at Section 7 of the Act.
7. Direct the AFN to immediately and on an ongoing basis advocate for First Nations free, prior, and informed consent, including fully resourced and meaningful participation in all activities Canada undertakes to achieve consistency of its laws with the UN Declaration under Section 5 of the Act.
8. Direct the AFN to immediately and on an ongoing basis advocate for a meaningful and fully resourced co-development process with the rights holders to ensure that First Nations voices and views are included in the development, deployment to Parliament, and implementation of the annual reporting process on UN Declaration implementation under Section 7 of the Act.

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