



ANNUAL GENERAL ASSEMBLY
July 9, 10, 11, 2024, Montreal, QC

Resolution no. 33/2024

TITLE: **Advancing First Nations Rights through Sustainable Funding: Implementing the UN Declaration on the Rights of Indigenous Peoples**

SUBJECT: Rights, UNDA Implementation

MOVED BY: Chairperson Khelsilem, Squamish Nation, BC

SECONDED BY: Chief Byron Louis, Okanagan Indian Band, BC

DECISION Carried; 3 Opposition; 1 Abstention

WHEREAS:

- A.** The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. 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.
 - ii. Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.
 - iii. 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.
 - iv. Article 39: Indigenous Peoples have the right to have access to financial and technical assistance from States and through international cooperation for the enjoyment of the rights contained in the Declaration.
- B.** The UN Declaration was adopted by the General Assembly of the United Nations in 2007. Canada endorsed the UN Declaration without qualification in 2016.
- C.** In 2021, the Government of Canada enacted Bill C-15, *the United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA).
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- D. Sections 5 and 6 of the UNDA provide that the Government of Canada must, in consultation and cooperation with Indigenous peoples, take all measures necessary to ensure that the laws of Canada are consistent with the UN Declaration and prepare and implement an action plan to achieve the objectives of the UN Declaration.
- E. To date, funding for the implementation of the UNDA has been inadequate. More investments are needed to support co-development, consultation, co-operation, and collaboration with First Nations. Adequate investments are necessary to support First Nations to appropriately coordinate, engage and monitor the implementation of the UN Declaration.
- F. Budget 2022 allocated a total of \$37 million over five years (\$11 million annually for 2023-24 and 2024-25, \$5.5 million annually for 2025-26 and 2026-27, \$4 million for 2027-28 and on-going) to Justice Canada to provide funding to support Indigenous Peoples' continued participation in the various implementation, monitoring and oversight processes described in the Action Plan.
- G. Part of the funding was allocated through targeted grants administered by Justice Canada. A total of 207 funding proposals, exceeding \$19 million, were received through this call which points to a substantial demand for this funding.
- H. On March 20, 2023, the Department of Justice released its Action Plan, containing 181 Action Plan Measures (APMs) and a *What We Learned to Date: Report on the Implementation of the United Nations Declaration on the Rights of Indigenous Peoples Act*.
- I. The report indicated that without adequate funding to support First Nations' full participation in implementation, monitoring and evaluation, the results will be modest to minimal, and systemic change will remain elusive.
- J. There are currently 28 federal departments that are responsible for supporting the implementation of the UNDA through specific APMs with the full and equal participation of First Nations and their representatives and institutions ensuring First Nations rights holders' free, prior, and informed consent through effective consultation and cooperation.
- K. Funding is needed to support culturally based policy research, communications, participation in consultations, legislative and policy development, decision-making and relationship building that contributes to UNDA implementation.
- L. Assembly of First Nations (AFN) Resolution 12/2022, *Call for Full First Nations Participation in the Implementation of the UN Declaration*, calls on the AFN to advocate for meaningful and fully resourced First Nations participation in the operative provisions of the UNDA, specifically sections 5, 6 and 7 on an ongoing basis.
- M. AFN Resolution 20/2023, *United Nations Declaration on the Rights of Indigenous Peoples Act Draft National Action Plan*, calls on the AFN to support First Nation and region-specific approaches that uplift First Nations rights-holders and advance the implementation of the Declaration.
- N. First Nations continue to call for core capacity funding, rather than time-limited, proposal-based project funding, to ensure that First Nations are able to effectively lead on implementing the UN Declaration.

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- O. The AFN and the Chiefs' Committee on the UNDA continue to call on Canada, including the Department of Justice, for adequate funding to support First Nations' affirmation of their Inherent and Treaty rights, title, jurisdiction and Section 35 rights through the UNDA and through other means as identified by them.

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

1. Reiterate that full and meaningful First Nations leadership in implementing their rights, including through the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA), requires sufficient, predictable, and sustainable funding as an absolute and unreserved requirement for the success of the implementation of the UNDA.
2. Call on the federal government to provide core capacity funding to First Nations and their representative governments and institutions dedicated to UNDA implementation as an alternative to time-limited, proposal-based project funding that does not provide the adequate funding required for First Nations to implement their Inherent and Treaty rights, title, jurisdiction and Section 35 rights.
3. Direct the Assembly of First Nations (AFN) and the Chiefs' Committee on the UNDA to call on all federal departments, including the Department of Justice and the Department of Finance to co-develop with First Nations sufficient, predictable, and sustainable funding models for First Nations and their representative governments and institutions to participate meaningfully and effectively in the implementation of the UNDA.
4. Direct the AFN and the Chiefs' Committee on the UNDA to call on all federal ministries associated with Action Plan Measures to adequately fund and support the direct engagement of First Nations and their representative governments and institutions to participate meaningfully and effectively in the implementation of all Action Plan Measures.

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