
Assembly of First Nations

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Assemblée des Premières Nations

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SPECIAL CHIEFS ASSEMBLY
December 6,7,8, 2022, Ottawa, ON

Resolution no. 43/2022

TITLE:	Call for Municipalities to Implement the United Nations Declaration on the Rights of Indigenous Peoples
SUBJECT:	Rights
MOVED BY:	Kúkpi7 Judy Wilson, Neskonlith Indian Band, BC
SECONDED BY:	Council Chairperson Khelsilem, Squamish Nation, BC
DECISION	Approved by the AFN Executive Committee by consensus.

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration) was adopted by the Government of Canada without qualification, and passed legislation affirming:
- i. Article 3: Indigenous peoples have the right to self-determination. This guarantees the right to freely determine their political condition and the right to freely pursue their form of economic, social, and cultural development.
 - ii. 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.
 - iii. 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.

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- iv. Article 10: Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.
- v. 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.
- vi. 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.
- vii. Article 26(1): Indigenous peoples have the right to the lands, territories and resource which they have traditionally owned, occupied or otherwise used or acquired.

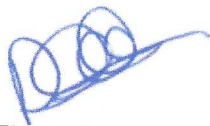
(2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

(3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

- viii. Article 27: States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

- B. In 2015, the Truth and Reconciliation Commission (TRC) released its Final Report, including 94 Calls to Action. Call to Action #43 specifically calls on all levels of the Canadian government to fully adopt and implement the UN Declaration.

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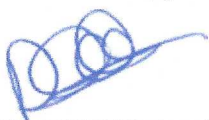
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- C. Following the release of the TRC's Calls to Action, Canada committed to fully commit, adopt and apply the UN Declaration, taking steps to acknowledge and recognize its legally binding nature through the enactment of the federal *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14, which requires all laws in Canada to align with the UN Declaration.
- D. Local governments play a significant role in the lives of Indigenous peoples (land use planning, environmental protection, emergency planning, economic development, delivery of services); however, not all municipalities in Canada have taken action to adopt and implement the UN Declaration, as required by the Declaration Act, and there remain disagreements over what obligations municipalities owe to First Nations.
- E. On October 25th, 2022, the City of Vancouver passed a United Nations Declaration on the Rights of Indigenous Peoples Strategy. It is the first-ever co-developed strategy between a City and First Nations to implement the UN Declaration locally. This Strategy aims to strengthen Indigenous rights and improve life for Indigenous peoples in Vancouver. This agreement encourages all local governments to take note of the work they are doing in Vancouver in implementing the UN Declaration in a meaningful way.
- F. There is an urgent need to review, clarify and deepen First Nations relationships with municipal governments and for municipalities to revise their policies, practices, and approaches to governance to recognize and implement the UN Declaration and an inclusive and distinctions-based approach in its dealings with Indigenous Peoples.
- G. Meaningful implementation of the UN Declaration requires municipal governments to, among other things, obtain the free, prior and informed consent of Indigenous Peoples through their own respective institutions, combat prejudice and eliminate discrimination, take effective and special measures to ensure continuous improvement of the economic and social conditions of Indigenous Peoples, and establish and implement assistance programs for Indigenous Peoples to preserve and protect the environment and the protective capacity of their territories.

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

- 1. Call upon the federal, provincial, and territorial governments to explicitly legislate requirements for municipalities to implement the UN Declaration.

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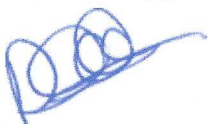
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2. Call upon the federal, provincial, and territorial governments to strengthen UNDRIP accountability measures of municipalities in order to ensure that local governments are taking all measures necessary to meet the minimum standards of the UN Declaration.
3. Call upon the federal, provincial, and territorial governments to ensure that municipalities are reporting on their implementation actions.
4. Call upon the federal, provincial, and territorial governments to ensure that municipal governments do their work in UNDRIP implementation in consultation and cooperation with First Nations of the territories where they exist.
5. Call upon municipal governments to strengthen and develop unique First Nation-municipal relations in order to continuously work in consultation and cooperation with First Nations and to uphold and implement the UN Declaration as required by the Declaration Act.

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