
Assembly of First Nations

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Assemblée des Premières Nations

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**Special Chiefs Assembly
December 7, 8, 9, 2021, Ottawa (Ontario)**

Resolution no. 17/2021

TITLE:	National Action Plan to Implement the United Nations Declaration on the Rights of Indigenous Peoples
SUBJECT:	United Nations Declaration on the Rights of Indigenous Peoples
MOVED BY:	Chief Kelly LaRocca, Mississaugas of Scugog Island First Nation, ON
SECONDED BY:	Chief Byron Louis, Okanagan Indian Band, BC
DECISION	Carried; 2 objections; 2 abstentions

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:
- i. Preamble 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 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 state:**
- 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, as legal imperatives called upon all governments to:**
- i. 1.2 Implement and fully comply with all relevant rights instruments (like UNDRIP and the 3rd Protocol to the United Nations Convention on the Rights of the Child).
- D. The Chiefs-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;
 - 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;

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- vi. 32/2019, Support the Declaration by Indigenous Nation and Peoples on Indigenous Territories, Colonial Doctrines and the Underlying Myth of Crown Title; and
 - vii. 86/2019, Federal legislation to create a framework for implementation of the United Nations Declaration on the Rights of Indigenous Peoples;
- E. The Government of Canada introduced Bill C-15, *An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples* on December 3, 2020; the Act states that the Responsible Minister "... must, in consultation and cooperation with Indigenous peoples and with other federal ministers, prepare and implement an action plan to achieve the objectives of the Declaration."
- F. On June 21, 2021, the *United Nations Declaration on the Rights of Indigenous Peoples Act* received Royal Assent; the Act commits Canada to table an Action Plan and make it public in no more than two years.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Affirm that the *United Nations Declaration on the Rights of Indigenous Peoples Act* does not domesticate First Nations' sacred rights affirmed and articulated in the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration).
2. Confirm that Canada, as a colonial state, 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*.
3. Remind all colonial governments that the UN Declaration does not require the colonial legislations such as the *United Nations Declaration on the Rights of Indigenous Peoples Act* to operationalize and apply the UN Declaration within Canada's colonial legal systems.
4. Call on the Government of Canada to immediately support First Nations, as the rights-holders, in co-developing the National Action Plan called for within two years by the *United Nations Declaration on the Rights of Indigenous Peoples Act*.
5. Direct the Assembly of First Nations (AFN) to advocate for First Nations participation in the creation of the National Action Plan to implement the UN Declaration, and the National Action Plan be voted on by the Chiefs-in-Assembly.

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6. Call on the Government of Canada to immediately provide sufficient resources to support full First Nations participation in the development of the National Action Plan.
7. Direct the AFN to hold a Special Chiefs Assembly to discuss the *United Nations Declaration on the Rights of Indigenous Peoples Act* as soon as practicable.
8. Direct the AFN to report back to the Chiefs-in-Assembly at every national gathering on the status of the National Action Plan until that plan is tabled and made public.

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