

FNLC Update on UNDA

Our Gathering 2023

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**British Columbia
Assembly of First Nations**

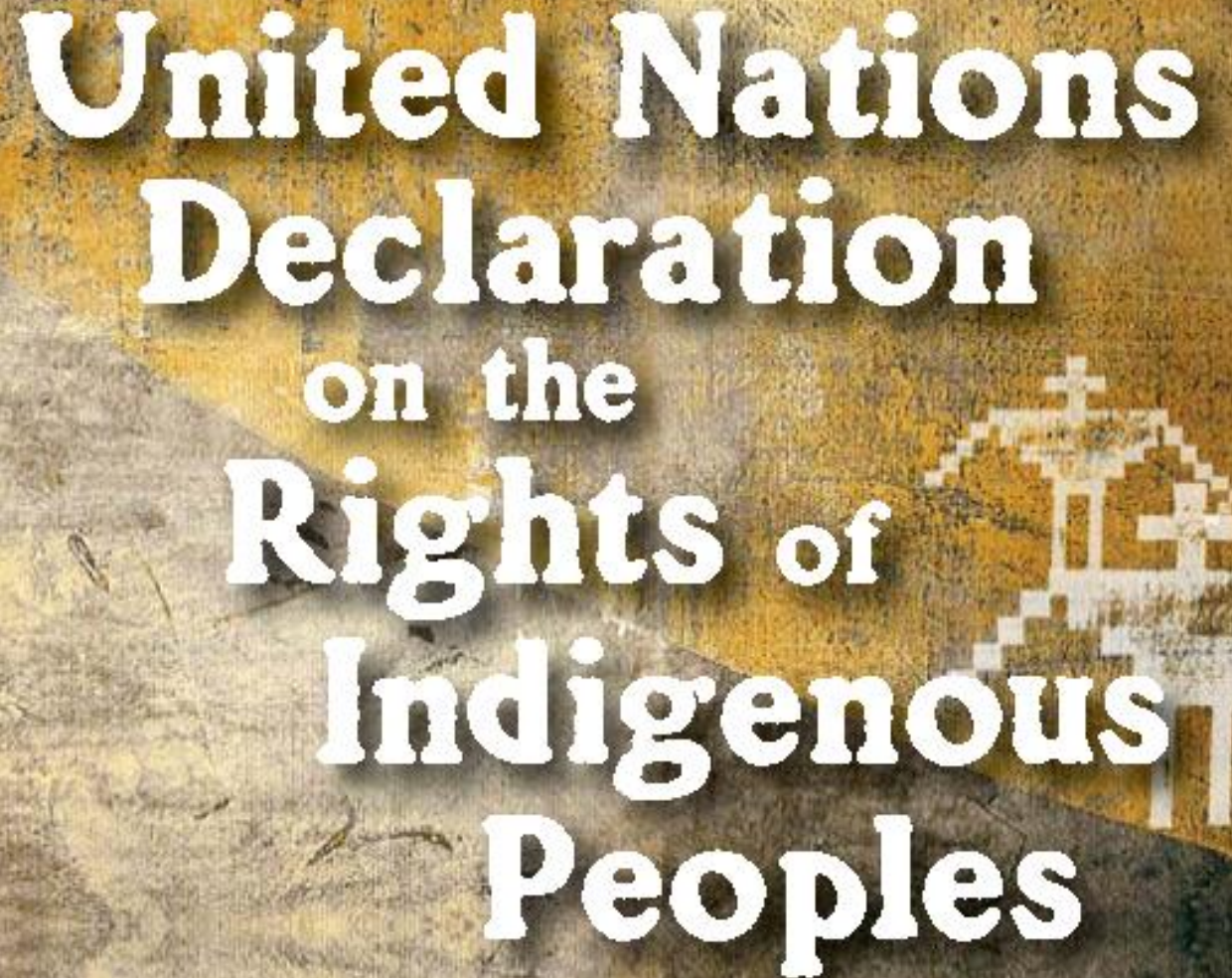


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Canada's United Nations Declaration Act (UNDA)

On June 21, 2021, the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA) came into force. This Act requires the Government of Canada, in consultation and cooperation with Indigenous peoples, to:

- Take all measures necessary to ensure that federal laws are consistent with the Declaration (Section 5);
- Prepare and implement an action plan to achieve the objectives of the Declaration (Section 6); and
- Develop annual reports on progress and submit them to Parliament (Section 7).



United Nations Declaration on the Rights of Indigenous Peoples

DoJ's UNDA National Action Plan

- Section 6 of the UNDA requires the Government of Canada, in consultation and cooperation with Indigenous peoples, to prepare and implement a National Action Plan (NAP) to achieve the objectives of the Declaration.
- The legislated deadline for the official tabling of UNDRIP NAP is June 21, 2023.
- The Action Plan must include measures to:
 - Address injustices, combat prejudices, and eliminate all forms of violence, racism and discrimination against Indigenous peoples, including Elders, youth, children, persons with disabilities, women, men and gender-diverse and two-spirit persons
 - Promote mutual respect and understanding, as well as good relations, including through human rights education.
 - Related to the monitoring, oversight, follow-up, recourse or remedy or other accountability with respect to the implementation of the Declaration.
 - Measures for monitoring the implementation, review and amending of the plan itself.

FNLC Update on UNDA Letter of Understanding

Min. Lametti issued a LOU to the FNLC on Feb 16, outlining Canada's commitment to a BC-specific bilateral process with the FNLC to identify priorities and actions for UNDA implementation consistent with the direction of First Nations in BC.

The bilateral process will consist of a political table and a technical table, which will:

- (1) Identify priority issues and confirm a shared agenda for the implementation of UNDA;
- (2) Determine and direct follow-up work that will be jointly undertaken regarding priority issues and the advancement of a shared agenda;
- (3) Discuss any other issues related to the effective implementation of this process



FNLC Update on UNDA NAP (cont.)

- 2. FNLC Priorities Paper
 - A high-level submission on FNLC priorities to implement the UN Declaration at the federal level.
 - Derived from lessons learned from provincial DRIPA legislation and implementation alongside existing BCAFN, FNS, and UBCIC resolutions.
 - The Priorities Paper was reviewed extensively by the legal and technical teams of the UBCIC, BCAFN and FNS and was shared with First Nations and First Nations Organizations in BC for feedback on March 22nd, with a deadline for feedback set for April 7th.
 - On March 29th the FNLC hosted an All-Chiefs Forum on the UNDA NAP where Chiefs were able to dialogue and finalize the Priorities Paper for submission.

FNLC Priorities Paper Principles

1. Comprehensive and Coherent
2. Progressive
3. Clarity of Scope
4. Distinctions-Based
5. Inclusivity
6. Integrative
7. Measurable
8. Expediency.

The FNLC Priorities Paper was finalized and submitted to DoJ on May 03, 2023.

The FNLC is calling on Canada to adopt eight principles to guide the development of the NAP and the implementation of the UNDA

FNLC Priorities Paper

Priority Areas

1. Lands, Resources and Territories
2. Self-determination and the Inherent Right of Self-Government
3. Eliminating Indigenous-Specific Racism, Discrimination and Violence against First Nations People
4. Social, Cultural and Economic Well-Being; and
5. Accountability and Implementation

With these principles in mind, the FNLC has identified the following 5 priority areas around which the NAP should be organized, which are expanded upon within the FNLC Priorities Paper



Feedback and Submission

- FNLC All-Chiefs Forum re. First Nations Priorities for a UNDA National Action Plan.
- Some of the areas discussed and captured by the FNLC Priorities Paper include:
 - The recognition of Indigenous legal orders
 - Mechanisms and processes to address territorial overlap
 - Ensuring a whole-of-government approach
 - Mechanisms to support co-development
 - The need for increased capacity funding.
 - Compensation and redress
 - Accountability and transparency mechanisms
 - Right to self-determination and FPIC

Concerns with Draft NAP

On March 20, 2023, the Department of Justice Released its Consultative Draft NAP.

The FNLC remains concerned over a number of items that need to be improved before the plans tabling in June. These concerns include:

- Binding Standards and Processes for the Recognition of Indigenous Title and rights and the return of lands to Indigenous Peoples.
- Mechanisms to reflect and respect Indigenous peoples' inherent right to self-determination and, specifically, the obligation to obtain Indigenous peoples' FPIC.
- Development of a new fiscal relationship, inclusive of a new taxation framework.
- Recognition and support for Indigenous legal orders
- Transparent and representative co-development and implementation mechanisms
- Accountability and oversight mechanisms re UNA NAP implementation.



Next Steps

- The legislated deadline for the tabling of the UNDA NAP is June 21, 2023.
- The FNLC has requested a meeting with Minister Lametti to sit down and ensure that the priorities and principles of First Nations in BC are included in the NAP.
- The FNLC will work to ensure that NAP represents our concerns, that we address the current shortcomings in the draft NAP, and that we move to fulsome implementation of the NAP once approved.

Further Considerations

The FNLC continues to encourage First Nations in BC to make their own submissions to Canada to guide the implementation of the UNDA.

The NAP must be an evergreen document with regular reviews and revisions with First Nations.

Canada must provide additional capacity funding to do this work.

The FNLC is not a right-holding entity, and engagement with the FNLC is not a proxy for and does not fulfill the obligations of Canada to consult and cooperate with all First Nations in BC.





Thank you