



BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS

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BCAFN SPECIAL CHIEFS ASSEMBLY
Nicola Valley Institute of Technology, Merritt, BC
March 7 & 8, 2019

Resolution 02/2019

SUBJECT: BC ABORIGINAL JUSTICE COUNCIL TRANSITION

MOVED BY: CHIEF MICHAEL LEBOURDAIS, WHISPERING PINES INDIAN BAND

SECONDED BY: CHIEF TONY MORGAN, GITANYOW BAND

DECISION: CARRIED

WHEREAS:

- A. Aboriginal people are over represented in the criminal justice system and ensuring equitable access to safety, justice, and preventative and rehabilitative services is a key priority for First Nations communities in BC;
- B. On May 14-16, 2007, the Union of BC Indian Chiefs (UBCIC), BC Assembly of First Nations (BCAFN), and First Nations Summit (FNS), working together as the First Nations Leadership Council (FNLC) held the BC First Nations Justice Forum. Subsequently, BCAFN Resolution endorsed and supported the implementation of the BC First Nations Justice Action Plan, which called for the formation of a BC First Nations Justice Council, and supported the "concept of a representative and inclusive BC First Nations Justice Council to address province-wide matters, with respect to the issues of First Nations justice";
- C. the *United Nations Declaration on the Rights of Indigenous Peoples*, which the Governments of British Columbia and Canada have adopted without qualification and have committed to implement, affirms:

Certified copy of a resolution adopted on the 7th day of March, 2019, at NVIT, Merritt, BC

A handwritten signature in blue ink, appearing to read "Terry Teegee".

Terry Teegee, BC Regional Chief

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.

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.

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.

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.

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.

Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.

(2) Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

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.

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.

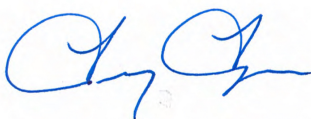
Article 20 (1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

(2) Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Article 34: Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

Article 35: Indigenous peoples have the right to determine the responsibilities of individuals to their communities;

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- D. by BCAFN Resolution 04(c)/2014: *Support for the Formation of a BC Aboriginal Justice Council* the BCAFN Chiefs-in-Assembly supported the BC Aboriginal Justice Council in its aim of working toward addressing province-wide matters, with respect to the issues of First Nations justice;
- E. the BC Aboriginal Justice Council's Terms of Reference allow for amendment by recommendation from the Justice Council to the BCAFN, UBCIC and FNS; and
- F. on November 3, 2018, the Native Courtworker and Counselling Association of BC (NCCABC) provided written formal notice to the First Nations Leadership Council of its withdrawal from the BC Aboriginal Justice Council. As a result, the BC Aboriginal Justice Council provided an initial recommendation to the First Nations Leadership Council in December 2018 to update the BC Aboriginal Justice Council's Terms of Reference to reflect the NCCABC's withdrawal in addition to a recommendation to approve a name change to the BC First Nations Justice Council in order to better align with the initial intent to focus on justice-related issues specific to BC First Nations.

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly endorses a name change from the BC Aboriginal Justice Council to the BC First Nations Justice Council; and
2. the BCAFN Chiefs-in-Assembly fully supports the attached amended Terms of Reference for the BC First Nations Justice Council.

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Terry Teegee, BC Regional Chief