



April 8, 2021

Via email: INAN@parl.gc.ca

Bob Bratina, M.P.
Chair, Committee on Indigenous and Northern Affairs
Sixth Floor, 131 Queen Street
House of Commons
Ottawa, ON K1A 0A6

Dear Mr. Bratina:

Re: Bill C-15, *United Nations Declaration on the Rights of Indigenous Peoples Act*

I am writing on behalf of the Aboriginal Law Section of the Canadian Bar Association (CBA Section) about Bill C-15 the *United Nations Declaration on the Rights of Indigenous Peoples Act*, which was introduced in the House of Commons on December 3, 2020.

The CBA is a national association of over 36,000 members, including lawyers, notaries, academics and students across Canada, with a mandate to seek improvements in the law and the administration of justice. The CBA Section represents lawyers who specialize in Aboriginal law from across the country, and frequently contributes to legislative and national policy initiatives.

The CBA has long called for the recognition of the individual and collective rights of Indigenous Peoples and urging Canada's governments to implement the United Nations Declaration on the Rights of Indigenous Peoples (Declaration) via domestic legislation; to consult and cooperate with Indigenous Peoples, to ensure that Canada's laws and policies comply with the Declaration and to implement national, provincial and territorial action plans to achieve the objectives of the Declaration. We believe that adoption of the Declaration into the laws of Canada provides a framework for reconciliation, in keeping with the recommendations of the Truth and Reconciliation Commission¹.

The CBA Section urges Parliament to quickly adopt Bill C-15. Once passed, it will require the Government of Canada, in consultation and with the cooperation of Indigenous Peoples, to take all measures necessary to ensure the laws of Canada are consistent with the Declaration. We encourage an openness to reviewing existing federal policies, modern land claims and historical treaties and their compliance with Declaration principles.

Bill C-15 also requires the Government of Canada, again in consultation with Indigenous Peoples, to prepare and implement an action plan to achieve the Declaration's objectives. Finally, the Bill requires

¹ Truth and Reconciliation Commission of Canada Interim Report. Winnipeg: Truth and Reconciliation Commission of Canada, 2012.

the Minister to table an annual report on progress made in aligning the laws of Canada with the Declaration and on the development and implementation of an action plan.

The CBA Section looks forward to Indigenous Peoples' full participation in the planning and development of the action plan, including through regional and community-level consultation prior to its implementation. Further, we view it as essential that the action plan be ample to ensure Bill C-15 does indeed achieve the objectives of the Declaration. The action plan will be a living document as the Bill calls for review and amendment of the plan as required. Review and amendment of the plan should always focus on the implementation of the Declaration's objectives.

To achieve the objectives of the Declaration, the annual report must include meaningful, culturally appropriate and gender-oriented metrics and targets for advancing reconciliation. Achieving targets must be part of performance management programs for senior officials in each federal department, agency and Crown corporation. One metric should be increasing the representation of Indigenous Peoples in all ranks of the public service, federal agencies and decision-making bodies.

The CBA Section supports including action plan measures that address injustice and gender inequities, combat prejudice, and eliminate all forms of discrimination and violence against Indigenous Peoples, including women, youth, children, elders, persons with disabilities, and gender-diverse and two-spirit persons. This recommendation echoes Call to Justice 1.1 of the Final Report of the National Inquiry into Murdered and Missing Indigenous Women and Girls² (MMIWG) for a National Action Plan developed and implemented by all levels of government in partnership with Indigenous Peoples to address violence against Indigenous women, girls and 2SLGBTQQIA people. The CBA has expressed support for an inclusive action plan as recommended by the MMIWG Final Report and emphasized the need for it to be adequately funded, regionally and culturally adapted to the diversity of Indigenous cultures and communities, and accountable to Indigenous Peoples by reporting on measurable goals.³

The CBA Section views the requirement to include action plan measures promoting understanding and good relations through increased human rights education as a measure that will promote reconciliation.

The CBA Section also encourages the Government of Canada to include measures in the action plan that support community wellness and economic reconciliation such as business and investment funding and finance, accounting and infrastructure capacity programs for Indigenous nations, communities and individuals, and in particular youth.

Adopting Bill C-15 confirms the implementation of the Declaration and its obligations on the Government of Canada. The CBA Section also encourages provincial and territorial governments to develop laws, plans and approaches to implement the Declaration. We urge Canada to work cooperatively with other levels of government towards the Declaration's implementation and look forward to cooperating with governments to assist in achieving the Declaration's objectives.

We hope these observations will be helpful.

Yours truly,

(original letter signed by Julie Terrien for Brian Hebert)

Brian Hebert
Chair, National Aboriginal Law Section

² National Inquiry's Final Report, [online](#).

³ Canadian Bar Association, "Response to Missing and Murdered Indigenous Women and Girls Inquiry: Calls for Justice," [online](#), June 2020, p. 4.