

# ***Reconciliation and the Declaration on the Rights of Indigenous Peoples Act***

**COLUMBIA BASIN REGIONAL ADVISORY  
COMMITTEE**

**November 3, 2021**

# Objective

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This presentation and dialogue will provide you with a foundational understanding of:

- Context in which the Province and Indigenous Governments operate
- Government's overarching commitments to reconciliation
- The Declaration Act and commitments to reconcili-action

*This presentation is not intended to be exhaustive, but rather to serve as a departure point for conversations to bring further clarity.*

# Defining Reconciliation

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Ministry of  
Indigenous Relations  
and Reconciliation

“There has to be awareness of the past, acknowledgement of the harm that has been inflicted, atonement for the causes, and action to change behavior.”

Truth and Reconciliation Commission



# Vision

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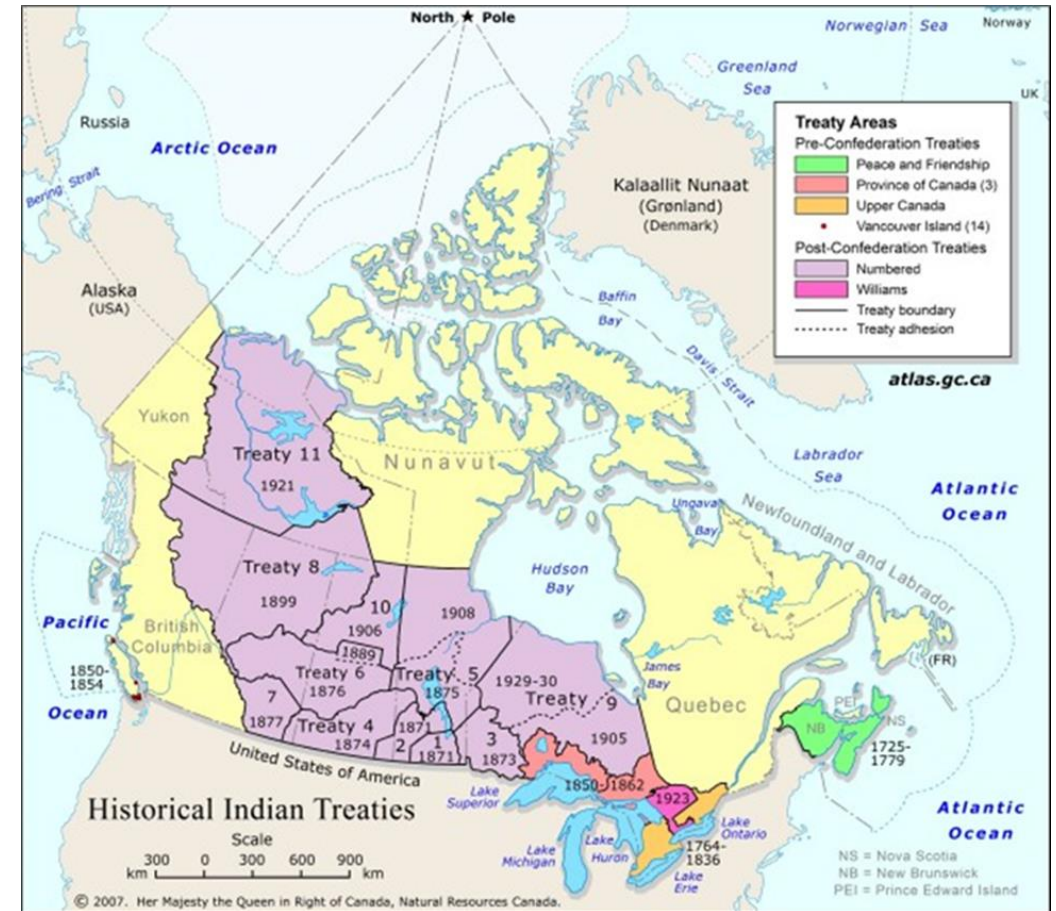
Ministry of  
Indigenous Relations  
and Reconciliation

“The Province has positive, lasting relationships with Indigenous Peoples, whose communities are healthy, prosperous, sustainable and self-determining.”

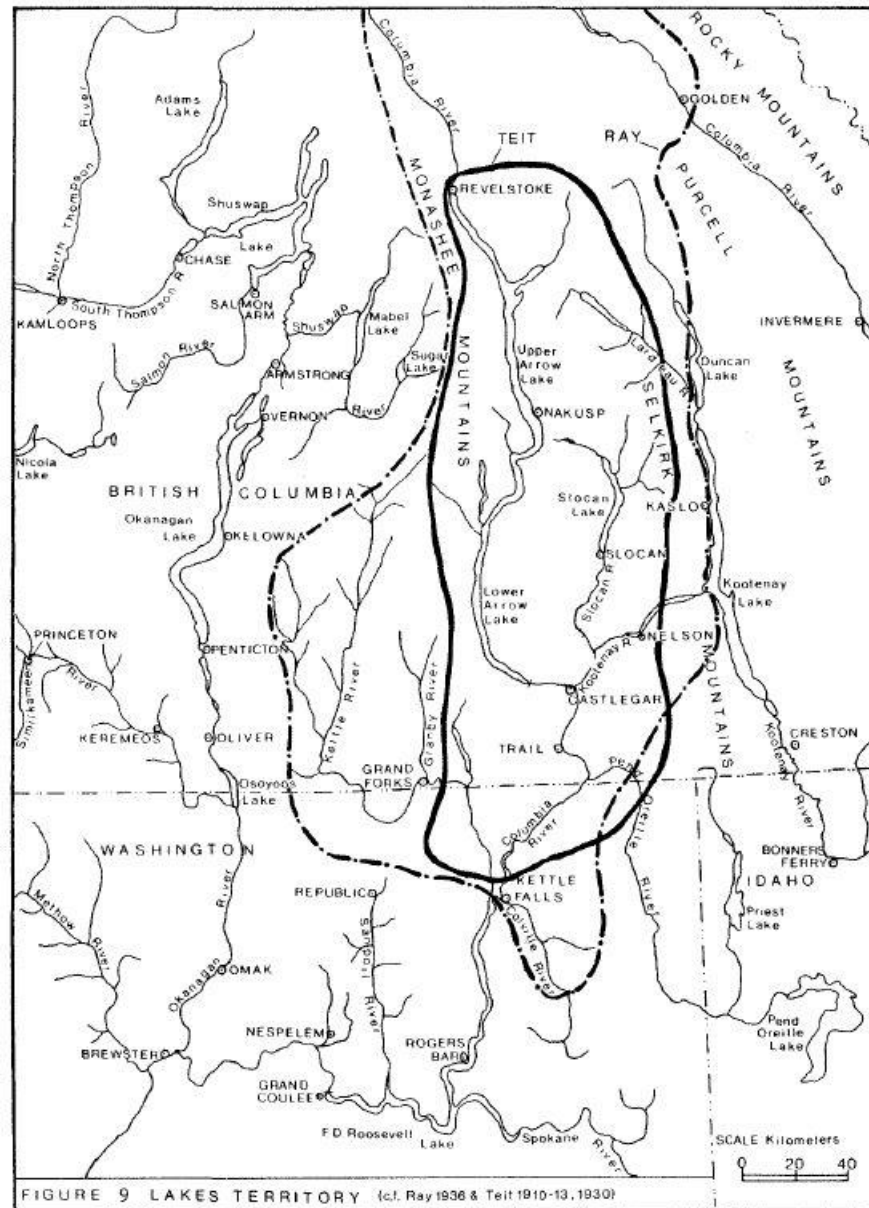


# Indigenous Peoples in BC

- 230,000 people in BC
- 203 Indian Act Bands
- 34 distinct languages
- Unfinished Business
- Legal Context – Section 35 of the Constitution
- Inter-generational trauma







# Implementing the Supreme Court of Canada Decision in *R. vs Desautel*

# ***Declaration on the Rights of Indigenous Peoples Act***

# United Nations Declaration on the Rights of Indigenous Peoples

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- International instrument adopted by the United Nations in 2007 after almost 25 years of deliberations by UN members and Indigenous groups
- Enshrines the rights that “constitute the minimum standards for the survival, dignity and well-being of the Indigenous peoples in the world”
- Acknowledges “situation of Indigenous peoples” varies in the world and regional particularities and historical and cultural backgrounds should be considered
- In 2015, Truth and Reconciliation Commission of Canada called upon all governments to fully adopt and implement the UN Declaration as the framework for reconciliation



# Declaration Act

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- Establishes the UN Declaration as the framework for reconciliation.
- Enables legislative, regulatory, policy and operational changes to be made over time to support implementation
- Requires government, in consultation and cooperation with Indigenous peoples to:
  - Ensure new and existing laws are consistent with the UN Declaration
  - Develop and implement an Action Plan to achieve the objectives of the UN Declaration
  - Monitor progress through public annual reporting
- Creates space for B.C. to enter into agreements with broader range of Indigenous governments, including joint or consent-based decision-making agreements

# B.C. Ministers' Mandate Letters



Ministry of  
Indigenous Relations  
and Reconciliation

- **All Ministers** - for lasting and meaningful reconciliation, are directed to remain focused on creating opportunities for Indigenous peoples to be full partners in our economy and providing a clear and sustainable path for everyone to work towards lasting reconciliation
- **Minister of Indigenous Relations and Reconciliation**
  - In collaboration with Indigenous partners, deliver the action plan required under the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) to build strong relationships based on recognition and implementation of the inherent rights of Indigenous peoples protected in Canada's constitution
  - Bring forward for Cabinet consideration a plan to create a dedicated Secretariat by the end of 2021 to coordinate government's reconciliation efforts and to ensure new legislation and policies are consistent with the Declaration Act

# Dedicated Secretariat



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*Bring forward for Cabinet consideration a plan to create a dedicated Secretariat by the end of 2021 to coordinate government's reconciliation efforts and to ensure new legislation and policies are consistent with the Declaration Act*

- The Province is currently working to establish a dedicated Secretariat that will coordinate this work across government
- Alignment of laws will be the Secretariat's initial priority
- The Secretariat must be able to ensure integrated, cross-government alignment and accountability, and have credibility with Indigenous peoples in B.C.
- B.C. has consulted with First Nations, as well as experts on public administration, on the plan for the Secretariat
- The Secretariat's structure will be determined in the near future

# Alignment of laws (section 3)



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- The shifts needed to align B.C.'s laws with the UN Declaration are profound
- Provincial laws must meet a new commitment of achieving consistency with the UN Declaration, but also must demonstrate a new collaborative approach to how laws are developed and implemented
- Initial steps on section 3 have involved discussions with First Nations, Modern Treaty Nation partners, and the First Nations Leadership Council, to begin to identify priority areas for legislative amendment and reform
- The work ahead to align provincial laws requires B.C. and Indigenous partners to determine an approach for the review and development of legislation that is collaborative, constructive and efficient



# Alignment of laws (section 3) – cont'd



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- Over the past year, B.C. has been taking a thoughtful and measured approach to working on the alignment of laws commitments under the Declaration Act
- Processes and protocols are being developed to involve Indigenous peoples in this work, as well as existing processes and protocols being strengthened
- MIRR has been providing coordination and advice to ministries as they do the important work of implementing section 3 within their legislation
- Ministries are carefully considering legislative proposals to determine if they affect Indigenous peoples and their rights, and if their proposals relate to the UN Declaration
- Ministries then engage with Indigenous peoples in the development of the legislation

# Action Plan (section 4)

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- The Declaration Act requires the Province to develop and implement an action plan, in consultation and co-operation with Indigenous peoples in BC, to meet the objectives of the UN Declaration.
- The action plan will provide a province-wide, whole-of-government pathway for our journey toward reconciliation.
- The action plan will describe the shared long-term goals and outcomes needed for the provincial government to meet the objectives of the UN Declaration over time, and specific actions that the Province will take over the next five years in collaboration with Indigenous peoples.



# Action Plan (section 4) – cont'd

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Actions to be taken between 2021 and 2026 are organized in the following four themes:

1. Self-determination and inherent right of self-government
2. Title and rights of Indigenous peoples
3. Ending Indigenous-specific racism and discrimination
4. Social, cultural and economic well-being



# Action Plan (section 4) – cont'd

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## 1. Self-determination and inherent right of self-government

### GOAL

Indigenous peoples exercise and have full enjoyment of their rights to self-determination and self-government, including developing, maintaining and implementing their own institutions, laws, governing bodies, and political, economic and social structures related to Indigenous communities.





# Action Plan (section 4) – cont'd

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## 2. Title and rights of Indigenous peoples

### GOAL

Indigenous peoples exercise and have full enjoyment of their rights, including the rights of First Nations to own, use, develop and control lands and resources within their territories in B.C.



# Action Plan (section 4) – cont'd

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## 3. Ending Indigenous-specific racism and discrimination

### GOAL

Indigenous peoples fully enjoy, express and exercise their rights without interpersonal, systemic and institutional interference, oppression or other limitations associated with Indigenous-specific racism and discrimination.



# Action Plan (section 4) – cont'd

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## 4. Social, cultural and economic well-being

### GOAL

Indigenous peoples in B.C. fully enjoy and exercise their distinct rights to maintain, control, develop, protect and transmit their cultural heritage, traditional knowledge, languages, food systems, sciences and technologies, which are supported by initiatives that promote connection, development, access and improvement, as well as full participation in all aspects of B.C.'s economy.



# Annual Report (section 5)

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- The annual report is required by the Declaration Act to highlight progress made towards the alignment of laws with the UN Declaration and the development and implementation of the action plan.
- The annual report must be prepared in consultation and cooperation with Indigenous peoples in BC.
- The second annual report was released on June 30, 2021, and is the first to cover the entirety of the 12-month reporting period (April 1, 2020 to March 31, 2021).
- The report describes substantive progress made on the Declaration Act specifically, and highlights initiatives related to implementation of the UN Declaration broadly.



# Agreements (sections 6 & 7)

- Section 6 enables government to enter into agreements with a broader range of Indigenous Nations and groups (“Indigenous governing bodies”)
- Section 7 decision-making agreements deal with the joint exercise of a statutory decision or where consent is indicated before a statutory decision is made
- Space must exist or be made in legislation for section 7 agreements  
The Province is currently doing preparatory work to determine how best to move forward with implementing these sections in partnership with Indigenous Nations
- On June 15, 2021, the Province and the Tahltan Central Government announced the initiation of negotiations under Section 7. This is the first approval for negotiation of a Section 7 agreement.

# Resources

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[MOU: Engagement with UBCM and Local Governments on Treaty Agreements, Non-Treaty Agreements and Indigenous Initiatives](#)

[BC Treaty Annual Reports](#)

[Contacts for First Nation Consultation Areas](#)

[First Nations A-Z](#)

[Joint Indigenous and Local Government Initiatives and Relations collection](#)

[Pathways to Collaboration](#)

[Community to Community Forum \(C2C\)](#)

[MAH Local Government and First Nations Relations Webpage](#) (guide found here)

# Declaration Act Resources

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Government site: <http://declaration.gov.bc.ca>

Declaration on the Rights of Indigenous Peoples Act:  
<http://www.bclaws.ca/civix/document/id/complete/statreg/19044>

Committee Debate: <https://www.leg.bc.ca/documents-data/debate-transcripts/41st-parliament/4th-session>

# CONTACT

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