

FIRST NATIONS LEADERSHIP COUNCIL

Update on the Declaration on the Rights of Indigenous Peoples Act



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Reconciliation and transformative change will occur through tangible and measurable actions and structural changes to laws, processes, and institutions to uphold title and rights, and inclusion of rights-holders in policy and legislative development. Such actions and structural changes are enabled by key aspects of the *Declaration on the Rights of Indigenous Peoples Act*:

- Section 3 obligates the Province to take all measures necessary to ensure its laws are consistent with the UN Declaration, in consultation and cooperation with Indigenous peoples. Consultation and cooperation is informed by the [Interim Approach to Implementing the Requirements of the Section 3 of the Declaration Act](#), which creates space for First Nations governments to be involved in legislative development in accordance with their needs and priorities.
- Section 4 requires the Province to develop and implement an action plan, in consultation and cooperation with rights holders, to meet the objectives of the UN Declaration. The five-year [Declaration Act Action Plan](#) released in 2022 sets out 89 actions in four key theme areas.
- Section 5 requires annual reports by June 30 of each year on progress on the alignment of laws and implementation of the action plan.
- Sections 6 and 7 enable the Province to enter into decision-making and consent-based agreements with Indigenous governing bodies.

This government has been very active and accelerated in legislative development. Major progress was made with the passage of historic Haida title legislation. Other important pieces of legislation included the Anti-Racism Act, the First Nations Mandated Post-Secondary Institutes Act, and amendments to the Land Title Act and children and families legislation – all of which embed consistency with the UN Declaration and enable self-determination and self-government in various ways.

Other active legislative, regulatory, and policy files have included:

- Heritage Conservation Act
- Environmental Assessment
- Housing
- Police Act
- Wildlife Act
- Emergency Disaster Management Act
- Distinctions-based approach

While these are critical gains, there are also challenges. Many complex matters – such as developing new fiscal relationships and tools, enabling shared-decision-making agreements, and replacing outdated laws, are taking time. Many of these change efforts are also constrained and hampered by a lack of public and industry understanding and knowledge of the UN Declaration and the Declaration Act, and at times by overt racism and backlash. There is a critical need in this provincial election to be vigilant about these issues, stand firm on issues of title and rights, and not to protect the progress that has been made with the Declaration Act.