

Declaration on the Rights of Indigenous Peoples Act

PRESENTATION TO
THE BC ASSEMBLY OF
FIRST NATIONS

NOVEMBER 17, 2020



Declaration on the Rights of Indigenous Peoples Act

Brought into force November 28, 2019, the Declaration Act establishes the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) as the framework for reconciliation.

Requires the Province, 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

Enables new decision-making agreements between the Province and Indigenous governing bodies.

Alignment of Provincial Laws (section 3)

- Distinct legal obligation from the Action Plan.
- Joint FNLC-BC working group in place to advance this work. Progress has been limited to date. FNLC continues to emphasize:
 - Alignment of laws is a positive obligation that applies to the Province, meaning that as laws are modified or created, they need to be aligned with the UN Declaration.
 - The need to transform and decolonize the legislative process.
- First Nations and First Nations Organizations have shared numerous priorities for laws that need to be amended to align with the UN Declaration.

Action Plan (section 4)

- Province to develop an action plan in consultation and cooperation with Indigenous peoples to achieve the objectives of the UN Declaration.
- The action plan is not intended to limit, but rather supplement, ongoing reconciliation work that will continue whether or not it's in the action plan.
- FNLC has invited expertise from First Nations Organizations; summary of this input being shared with First Nations for comment.
- Province commenced some initial engagement which is now on hold during the election period.
- Original target was end of calendar year, may now be targeted before end of fiscal, which would impact the content of the next annual report.

UN Declaration Themes for Action Plan

The action plan is intended to coordinate action to achieve the objectives of the UN Declaration. The articles of the UN Declaration may be organized by high-level themes: Ending racism and discrimination; Recognition, promotion, implementation, and protection of rights and freedoms; Self-determination and sovereignty; Land and territory; Economy and fiscal relations; Culture and language; Children and family well-being.

INPUT SOUGHT:

FNLC has issued a call for submissions from First Nations to inform the action plan.

Additionally, a DRAFT set of objectives, outcomes and actions has been developed for review of the Chiefs. This is informed by resolutions of the Chiefs, submissions from FNOs, the Commitment Document and Concrete Actions, and the NDP platform. Feedback from the Chiefs is sought to inform continued development of this document which the FNLC will share with BC to inform the action plan.

Annual Report (section 5)

- Province submitted first report to the Legislature on June 30, 2020, covering the period from when the Act came into force (November 28, 2019) until March 31, 2020.
- Future annual reports will directly comment on progress against the action plan as well as alignment of provincial laws.

Agreements (sections 6 and 7)

Enables the Province to enter into agreements with Indigenous governing bodies

- Section 6 agreements could deal with various collaborative processes not involving shared decision-making
- 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

This has been emphasized as a key priority for First Nations.

Next Steps

Sharing information and keeping title and rights holders at the forefront of all work

Reporting to Chiefs and making space for Chiefs to be informed and advise on their views and feedback for all aspects of Declaration Act implementation

Re-engagement at political level with new provincial government

Continued goal to push for release of action plan as soon as possible

For further information

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