

Declaration on the Rights of Indigenous Peoples Act

THE LEGISLATION

The Government of British Columbia has passed legislation that confirms the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) as the framework for reconciliation in B.C.

Implementing the UN Declaration through the new *Declaration on the Rights of Indigenous Peoples Act* will establish a path forward that respects and upholds the human rights of Indigenous peoples while introducing additional transparency and predictability in the work the B.C. government and Indigenous peoples do together.

With the legislation, the B.C. government, Indigenous peoples, businesses and local governments will have additional tools to build effective relationships, clear processes and a robust and sustainable economy together.

The legislation supports transparent, co-operative, staged approaches through which the B.C. government will work collaboratively with Indigenous peoples, and engage with business and local governments, on programs, policies, legislation and decisions affecting Indigenous peoples and their rights. It will help all parties work together to invest in building a stronger B.C., including creating economic opportunities for Indigenous peoples, businesses, communities and families throughout the province.

The provincial government also recognizes that many companies in British Columbia have already embraced the principles of the UN Declaration and have built solid relationships with Indigenous peoples.

The B.C. government is committed to transparency as it moves forward with this work and develops the action plan required under the new legislation.

FORESTRY

The Province is committed to true, lasting reconciliation with Indigenous peoples through the implementation of the UN Declaration. This work will foster increased and lasting certainty on the land base while ensuring that the benefits of sustainable forest harvesting are realized equitably by those engaged in and impacted by the forestry industry.

Many forestry companies investing in B.C. are already doing their work in aligning with the standards of the UN Declaration, and have determined that collaborative relationships with Indigenous nations and Indigenous governments are creating improved investment certainty. This legislation supports further collaborative opportunities and enables successful partnerships.

The Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNR) has worked collaboratively with Indigenous nations in support of the Province's broader commitment to implement the UN Declaration. These efforts include the following initiatives:

- ▶ Forest Consultation and Revenue Sharing Agreements (FCRSA) – The FCRSA program has provided over \$541 million in forestry revenue-sharing with Indigenous nations throughout the province. Currently 110 Indigenous nations hold executed agreements, with an estimated budget of \$49.7 million in 2019/20.
- ▶ Strategic Forestry Initiative (SFI) – SFI agreements enable Indigenous nations to become more fulsome participants in the forest economy and support the management of the lands, water, and forest values throughout the province. Since 2015, 191 SFI agreements have been signed and a total of \$43.3 million has been distributed to fund various forestry related projects. Please also see the business, investment and financial and the environmental assessment information sheets.

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- ▶ Indigenous Forest Technician Training Scholarship Program – British Columbia Timber Sales and the BC First Nations Forestry Council have partnered to deliver this program to support Indigenous peoples to enter into the forestry industry and obtain training and sustainable employment. In the last year this program has been expanded to support student placement in the forest industry.

In support of implementing the UN Declaration, FLNR will continue to work with Indigenous nations in the development of policy, processes and legislation that support robust oversight of the forestry industry; such as:

- ▶ *Forest and Range Practices Act (FRPA)* – FLNR has worked with Indigenous peoples, businesses and local governments throughout the province to inform amendments to the current FRPA. This work supports reconciliation efforts by emphasizing modernized land use planning, renewing forest and range policies throughout B.C., and improving wildlife management and habitat conservation.
- ▶ Renewal of the Coast/Interior Forest Sector – In spring 2019, the B.C. government announced a renewal of the province’s forest sector. The purpose of the renewal is to foster a globally competitive forest sector, build resilient communities and workforce, manage forests sustainably and support reconciliation with indigenous peoples. Engagement with Indigenous nations throughout the Province has been at the core of these efforts.
- ▶ Forestry Regulations – FLNR is exploring ways to notify and collaborate with Indigenous nations on the development of regulations ministry-wide.
- ▶ Draft First Nations Forest Strategy – FLNR and the BC First Nations Forestry Council have been engaging with Indigenous nations throughout B.C. over the last five years to inform a revised BC First Nations Forest Strategy.

FLNR will continue to work with Indigenous nations on various models that support strategic and collaborative management of the land base. Such models include but are not limited to engagement on Timber Supply Review, Modernized Land Use Plans, the Environmental Stewardship Initiative and the Collaborative Stewardship Framework. Emphasising collaboration at the strategic level will reduce the focus on individual operational-level applications and projects.

The legislation will ensure transparency and clarity in any joint decision-making or consent requirement processes. This will guarantee that businesses, project proponents, investors and others will know what is expected from the outset of the process. Any decision, whether by the Province alone or together with an Indigenous nation or Indigenous government, must be administratively fair and be able to withstand judicial review, if challenged.

The *Declaration on the Rights of Indigenous Peoples Act* provides mechanisms for joint decision-making and consent-based decision-making. However, legislative amendments will be required to enable such agreements under other statutes, including those within the authority of FLNR. There is not expected to be any immediate effect on statutory decision-making, and established processes will therefore remain unchanged until such time as legislative amendments occur.

Implementation of the UN Declaration will not affect existing agreements between FLNR and Indigenous nations. There is not anticipated to be significant operational changes in the short term. However, the commitment to working in partnership with Indigenous nations and Indigenous governments is intended to help establish predictable, sustainable and collaborative approaches to forestry. FLNR will continue to work with Indigenous nations to ensure that their rights and interests are respected in all aspects of the forestry industry.

