



Declaration on the Rights of Indigenous Peoples Act

2020 / 2021 Annual Report



**BRITISH
COLUMBIA**

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WELCOME

British Columbia made history in 2019 when we passed legislation to adopt the UN Declaration – the first jurisdiction in Canada to do so. But passing this legislation was only one step on our journey to advance reconciliation and undo 150 years of colonial harms that we see very clearly continue to be felt today.

In the past year, we have carried out our collective work to implement the *Declaration on the Rights of Indigenous Peoples Act (Declaration Act)* in the context of a global pandemic. While this has affected almost every facet of life in British Columbia, through innovation and collaboration we have continued to make steady, important progress.

We are pleased to present the second annual report on the *Declaration Act* detailing our shared work between April 1, 2020 and March 31, 2021. This report fulfills the legislative requirement laid out in section 5 of the Act: namely, to provide updates on progress each year.

While we still have much to do, we believe this report reflects the considerable progress we have made together with Indigenous peoples. As we release this report, we have recently launched a widespread consultation with Indigenous peoples on a draft action plan to achieve the objectives of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) and uphold Indigenous human rights across British Columbia. The draft action plan proposes initial actions, identified in collaboration with Indigenous peoples, that present opportunities to make a real difference in the lives of Indigenous peoples, now and for generations to come.

This year's report outlines how we have built on the foundation described in the initial report that was tabled last year. We acknowledge both the accomplishments we've achieved together, as well as the challenges we've faced. We also must acknowledge that our joint efforts to advance reconciliation will take time. Embedding the UN Declaration into our laws, policy, programs and practices needs to be a cross-government undertaking. It must be done in true collaboration and consultation with Indigenous peoples in B.C.

Through this approach, we will continue to take meaningful steps together in our journey to reconciliation, and create a better future for Indigenous peoples, the province and the country as a whole.



Honourable John Horgan
Premier of British Columbia



Honourable Murray Rankin
Minister of Indigenous Relations and Reconciliation



INTRODUCTION

The [Declaration on the Rights of Indigenous Peoples Act](#) (*Declaration Act*) establishes the [United Nations Declaration on the Rights of Indigenous Peoples](#) (UN Declaration) as the framework for reconciliation in British Columbia. The *Declaration Act* was passed unanimously in the B.C. legislature and became law on November 28, 2019.

As required by the *Declaration Act*, each year the Province must prepare an annual report in consultation and cooperation with Indigenous peoples in B.C. Annual reporting is intended to provide transparency, self-reflection and ensure accountability for the implementation of the *Declaration Act*.

Section 5 of the *Declaration Act* requires the provincial government to report annually on progress towards the alignment of provincial laws with the UN Declaration (section 3) and development and implementation of an action plan to achieve the objectives of the UN Declaration (section 4).

This second annual report outlines progress made by the Province between April 1, 2020 and March 31, 2021. It highlights significant initiatives related to the implementation of the UN Declaration in B.C. and speaks to how the Province will work with Indigenous peoples to mutually assess achievements in a meaningful way.

Over the period covered in this annual report, the ongoing COVID-19 pandemic has had unprecedented impacts across the province. While these impacts have affected all British Columbians, Indigenous peoples have been disproportionately affected. The pandemic additionally has highlighted the urgency of the provincial government's efforts to advance reconciliation and the need to adapt its approaches to the current realities of Indigenous peoples – who are the Province's partners in this work.

The Province remains committed to lasting and meaningful reconciliation, and every ministry is mandated to support this change. Provincial public service employees continue to use the 2018 [Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples](#) as a code of conduct to support the implementation of both the UN Declaration as legislated by the *Declaration Act* and the [Truth and Reconciliation Commission of Canada's Calls to Action](#).



WORKING TOGETHER

Draft Principle 10: The Province of British Columbia recognizes that a distinctions-based approach is needed to ensure that the unique rights, interests and circumstances of Indigenous peoples in B.C. are acknowledged, affirmed, and implemented.

The foundation to successfully implementing the *Declaration Act* is the Province's legal obligation to do so in consultation and cooperation with Indigenous peoples in B.C.

The Province's approach to consultation and cooperation must continually respect the distinctions-based rights and diversity of Indigenous peoples – including First Nations, Métis and Inuit – in B.C. It also respects the unique needs, interests and perspectives of intersectional populations, including Indigenous Elders, women, youth, children, 2SLGBTQQIA+¹ peoples, peoples with disabilities and Indigenous peoples living in urban settings. This is consistent with the Province's focus on gender equity (gender-based analysis plus) and is in alignment with article 22 of the UN Declaration.

It should be noted that during the period of this report, the Province has had to balance the work to implement the *Declaration Act* in collaboration with Indigenous peoples, with the demands placed on all governments and citizens by the COVID-19 pandemic. The Province, First Nations leadership and Indigenous organizations have been focused on the urgency of the ongoing pandemic response. As such, engagement with Indigenous peoples in B.C. on the *Declaration Act* has been adapted to meet the public health orders related to the pandemic, with public health needs prioritized.

The unprecedented nature of the pandemic has frequently required creative approaches to honour the Province's commitment to consultation and cooperation. These approaches have been imperfect given that collaborative implementation of the *Declaration Act* is new for everyone, and the pandemic has taken precedence for all governments and leadership throughout the province.

¹ 2SLGBTQQIA+ refers to two-spirit, lesbian, gay, bisexual, transgender, queer, questioning, intersex, asexual and other sexually and gender diverse people.



PROGRESS AND NEXT STEPS

This section speaks to progress made over the past year to implement key priorities of the *Declaration Act*, which include alignment of B.C.'s laws with the UN Declaration and development of an action plan to achieve the objectives of the UN Declaration.

Alignment of Laws (Section 3)

The *Declaration Act* mandates the Province to align provincial laws with the UN Declaration. The alignment of laws, and the process to achieve it, must be done in consultation and cooperation with Indigenous peoples in B.C. This will require transformative and systemic changes.

The shifts needed to align the Province's laws are profound. Not only must the provincial government ensure consistency with the UN Declaration, but it must also take a new approach to how laws are both developed and implemented. The differing levels of success in advancing legislation in accordance with the *Declaration Act* during the reporting period reflect the magnitude of the task.

Through this ongoing experience, the Province continued to learn important lessons. Ministries received new and constructive input on their proposed legislation, in circumstances where previously they would not have sought input from First Nations and Indigenous partners. Sometimes this resulted in changes to the proposed legislation. Ministries also continued to adapt their efforts to consult and cooperate with Indigenous peoples. Where the experience identified that improvement is needed, the Province is committed to make the necessary changes.

The ongoing work to modernize the *Emergency Program Act* over the past year is being considered through the framework provided by the *Declaration Act*. It is supported through a robust Indigenous engagement plan guided by a committee comprised of First Nations Leadership Council representatives and Indigenous emergency management practitioners, as well as direct engagement with title and rights holders, Treaty Nations and Indigenous partner organizations.

Emergency Management BC identified additional actions to support the implementation of the *Declaration Act*.

- ◆ Implement an Indigenous-led, self-organizing approach to the Partnerships Tables, which bring together more than 200 Nations annually for dialogue on emergency management practices and improvement;
- ◆ Incorporate Indigenous knowledge in emergency management systems and processes; and
- ◆ Increase the number of emergency management staff receiving cultural safety and humility training to build trust-based relationships that support the advancement of reconciliation.

The Premier tasked the Minister of Indigenous Relations and Reconciliation in November 2020 to bring forward a plan for Cabinet consideration by the end of 2021 to create a dedicated secretariat to coordinate government's work on reconciliation. The secretariat will support the Province in



meeting the obligations and opportunities of the *Declaration Act*, including improving consultation and cooperation with Indigenous peoples on provincial legislation and policy. It will also provide oversight and guidance on the alignment of legislation and policies with the UN Declaration.

Initial work to develop the secretariat is underway. There is growing consensus that the secretariat must ensure integrated, cross-government alignment and accountability on the work of implementing the *Declaration Act*. In addition, it will be essential for the composition of the secretariat to be credible with Indigenous peoples in B.C. The Province has heard from many First Nations leaders and Indigenous partners that they would like the secretariat in place as soon as practicable.

Action Plan (Section 4)

A key priority of the past year has been the work to develop the first action plan to achieve the objectives of the UN Declaration under the *Declaration Act*. It was important to balance the desire to release an action plan as soon as possible with the need to develop it in meaningful collaboration with Indigenous peoples in B.C. The Ministry of Indigenous Relations and Reconciliation has been guiding development of the action plan, with participation from all provincial ministries and agencies, in consultation and cooperation with Indigenous peoples in B.C.

Between March and July 2020, the Province undertook an early analysis of known Indigenous-identified priorities across government and had preliminary meetings with First Nations, Indigenous leaders and Indigenous organizations to prepare for an informed engagement process. This early work made sure engagement to develop the action plan started from a place of shared understanding and recognition of the Indigenous expertise already provided through years of advocacy and dialogue.

Analysis during this phase identified groups of Indigenous peoples whose priorities needed to be better understood by the Province – including Indigenous Elders, women, youth, 2SLGBTQQIA+ peoples, peoples with disabilities and people living in urban settings. This analysis also clearly demonstrated that while the action plan is important, priorities of many Indigenous peoples – particularly First Nations – are focused on the Province’s obligations under section 3 of the *Declaration Act* to align provincial laws with the UN Declaration.

Following the early analysis, the Province conducted initial engagement with a range of Indigenous partners between July 2020 and February 2021 to inform the work to develop a draft action plan. This included First Nations, First Nations political leadership, First Nations organizations, historical and modern Treaty Nations, Métis Nation BC and Indigenous service organizations. The purpose of this early engagement was to identify, clarify and validate priority actions to include in a draft of the action plan.

This engagement was carried out by ministries and agencies from across government. It focused on honouring established relationships and agreements with Indigenous partners through existing tables, engagement processes and governance structures. This included direct engagement with modern Treaty Nations and the Alliance of BC Modern Treaty Nations Alliance to honour the government-to-government relationships and accountabilities established through treaty.



Representatives from almost every provincial ministry held more than 80 separate meetings in total, with over 75 Indigenous partners, specifically related to the development of the draft action plan. All engagement took place during the global pandemic, with public health measures limiting gatherings and travel. In order to adhere to public health orders, methods of engagement included teleconferences, virtual meetings and written submissions. The Province received 30 written submissions, as well as input from engagement with 11 First Nation organizations carried out by the First Nations Leadership Council (FNLC), which represents the BC Assembly of First Nations, First Nations Summit and Union of BC Indian Chiefs.

While extensive, this early engagement was relationship-based and focused on ministries upholding their obligations to work directly with Indigenous partners. As a result, early engagement was limited to those Indigenous partners with whom ministries already had a relationship, so not all Indigenous peoples, organizations and governments were included. A more extensive engagement process is needed to obtain feedback from Indigenous peoples to ensure the final action plan has been developed through meaningful consultation and cooperation with Indigenous peoples in B.C.

This engagement is planned to take place in 2021, to seek input from First Nations and Indigenous peoples and organizations on proposed actions in a five-year draft action plan. The Province's goal with this extensive engagement is to achieve broad endorsement for the final action plan anticipated to be complete later in 2021.

It is important to note that the action plan is not intended to include all reconciliation work with Indigenous partners underway across government. Many initiatives are in progress that contribute to reconciliation and the implementation of the UN Declaration, including steps to align laws, and this work will continue whether or not it is included in the action plan.

"[B.C.] was the first government in our country, and one of the first in the world, to embrace the Declaration on the Rights of Indigenous Peoples. That gave us enormous responsibility to carry out what can only be described as a generational task and a challenge — work to start undoing 175 years of colonialism in our part of this world. The bill was an historic milestone, but it was just one step. Now we're into the real work, the real implementation."

Murray Rankin, B.C. Minister of Indigenous Relations and Reconciliation

INITIATIVES TO IMPLEMENT THE UN DECLARATION

The intention of the *Declaration Act* is to implement the UN Declaration in B.C. In addition to the efforts described above, the Province has also made progress to implement the UN Declaration through other key initiatives.

Reporting on these initiatives provides transparency and accountability for significant areas of work to implement the UN Declaration. These accomplishments demonstrate what can be achieved together through collaborative leadership and initiative, and critical self-reflection. They



also offer insights on how the provincial government can improve efforts in the implementation of the *Declaration Act* and the UN Declaration.

COVID-19 Pandemic Response and Recovery

UN Declaration Article 21.1: “Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.”

In March of last year, the unprecedented impacts and challenges of COVID-19 on everyone in the province quickly became evident. The provincial government needed to take immediate action to support people in B.C. to manage through the pandemic, and Indigenous peoples in particular.

Indigenous peoples have historically faced much higher risks from past epidemics. Evidence shows that Indigenous peoples are disproportionately impacted by COVID-19, in the rate of positive cases, hospitalizations and deaths.

Indigenous communities, particularly in remote areas, have faced unique circumstances and had specific needs in responding to the pandemic, which the Province needed to take into account. To meet significant demands for support, the Province set up partnership and engagement tables, as well as communication pathways to help make sure Indigenous communities had the supports and information they needed. In addition, through Emergency Management BC (EMBC), the Province allocated needed provincial relief funding. These actions helped support First Nations and Indigenous organizations to provide critical services to keep people safe during a time of extreme uncertainty.

In addition, provincial and regional emergency operations centres brought together First Nations leadership, regional health authorities and EMBC staff to coordinate support for communities directly in responding to positive COVID-19 cases, clusters and outbreaks.

Consistent with other emergencies, First Nations governments have been eligible to be reimbursed for emergency response costs under the *Emergency Program Act* as outlined in EMBC’s Policy 5.13: COVID-19 Pandemic Response Task Number. In fall 2020, in response to their advocacy, EMBC worked directly with representatives from the T’silhqot’in National Government and Nuu-chah-nulth Tribal Council to revise and co-develop components of Policy 5.13. These efforts enshrined the role of Nations to self-determine when to implement measures such as public health checkpoints, used to restrict access into communities to reduce the transmission of COVID-19. The collaborative efforts to revise Policy 5.13 was acknowledged as a success of government-to-government partnerships.

B.C.’s COVID-19 Immunization Plan was released in January 2021. In alignment with the National Advisory Committee on Immunization recommendations, Indigenous peoples and communities were prioritized. Indigenous partners have had an integral role in supporting vaccine immunization clinics that are culturally safe and respectful.

Other actions undertaken by the Province to advance reconciliation during the pandemic included:



- ✦ Signing information-sharing agreements with nine First Nations, as the result of advocacy by Nuu-chah-nulth Tribal Council, T̓silhqot̓'in National Government and Heiltsuk Nation, to obtain more information to help community leaders make more informed decisions to keep their communities safe. Though the agreements did not provide the level of information being sought, they were the first such agreements to share such health data directly with First Nations.
- ✦ Through the Office of the Provincial Health Officer, connecting weekly with Métis Nation British Columbia (MNBC) to ensure Métis COVID-19 case rate and testing information was shared. The office also involved MNBC in the messaging and planning for vaccination roll out and age-specific notifications.
- ✦ Providing pandemic response funding to support friendship centres inundated with needs for services for Indigenous peoples living in urban areas. The funding supported the critical, culturally appropriate services that friendship centres have been providing during the pandemic.
- ✦ Making \$1.5 million in emergency financial assistance available to Indigenous post-secondary students experiencing financial pressures. This support was available through all 25 public post-secondary institutions in B.C., as well as the Native Education College.
- ✦ Creating the BC Indigenous Tourism Recovery Fund, which provided grants up to \$45,000 to support 140 Indigenous tourism businesses through the impacts of COVID-19, and investing in 60 projects through the Community Economic Recovery Infrastructure Program to build or upgrade Indigenous tourism infrastructure such as resorts, interpretive centres, trails and campgrounds. These projects generate revenue for Indigenous communities, employ Indigenous workers and tell the stories of Indigenous peoples.



Anti-Indigenous Racism in the Health Care System

UN Declaration Article 2: “Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.”

UN Declaration Article 24.1: “Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.”

Adrian Dix, B.C. Minister of Health, issued a statement in June 2020 about allegations of racism in the healthcare system and announced an independent investigation to be led by Mary Ellen Turpel-Lafond. In November 2020, the report [In Plain Sight: Addressing Indigenous-specific Racism and Discrimination in B.C. Health Care](#) was released. The report made 24 recommendations to address systemic racism in B.C.'s healthcare system.

“Many of the accounts we heard were deeply disturbing, had clearly caused significant harm, and created lasting mistrust and fear of the health-care system. I thank Indigenous people and health-care workers across B.C. for having the courage to share their stories and to help us to shine a light on this important issue.”

Hon. Dr. Mary Ellen Turpel-Lafond (Aki-Kwe), Independent Reviewer

“We need to get to the root of these problems, and that begins with an understanding that racist attitudes and actions have a real and devastating impact on health outcomes, creating trauma that can affect generations. Everyone who comes to our hospitals deserves and should be able to expect access to respectful and culturally safe care.”

Adrian Dix, B.C. Minister of Health

The review was informed by the voices of nearly 9,000 Indigenous patients, family members, third-party witnesses and healthcare workers, as well as an unprecedented analysis of health data. The report found that Indigenous peoples in B.C. are exposed to widespread individual and systemic racism deeply rooted in colonialism. This often resulted in negative experiences when receiving health care, unequal medical treatment, physical harm and even death.

The Minister of Health and all health authority board chairs formally apologized to Indigenous peoples in November 2020 and committed to support the implementation of these recommendations. In alignment with the report's recommendation #13, the position of Associate Deputy Minister of Indigenous Health was created and filled in January 2021.



Significant collaboration with Indigenous partners also occurred in early 2021 to prepare for the launch of a task team to guide implementation of the recommendations. These include:

- ✦ establishing a senior-level policy and accountability table with MNBC and direct health authorities to enter into letters of understanding with MNBC and Métis Chartered Communities;
- ✦ working with Indigenous organizations to improve the health system's patient complaint processes to address individual and systemic Indigenous-specific racism;
- ✦ developing a new approach to cultural safety and humility training for B.C. healthcare workers; and
- ✦ amending existing legislation and regulations to support and enable the systemic changes that are needed.

New Housing for Indigenous Peoples

UN Declaration Article 21.1: "Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security."

Many Indigenous peoples in B.C. face extraordinary housing challenges. The Building BC: Indigenous Housing Fund was launched in Budget 2018 as part of the Province's 10-year housing plan. It provides \$550 million over 10 years to build 1,750 units of social housing for Indigenous peoples, on- and off-reserve. With this commitment, B.C. became the first province in Canada to invest provincial funds into on-reserve housing – a federal jurisdiction.

As of March 2021, there were more than 1,100 Indigenous Housing Fund homes completed or underway in 26 communities throughout B.C. Three examples of Indigenous Housing Fund projects that opened their doors in 2020/2021 include:

- ✦ 124 homes in Colwood, in partnership with the Aboriginal Land Trust Society, Lu'ma Native Housing Society and the Huu-ay-aht First Nations;
- ✦ 39 homes in Cranbrook in partnership with the Columbia Basin Trust, the Aboriginal Housing Management Association and the Aqanttanam Housing Society; and
- ✦ Six homes in Kwakiutl First Nation territory, near Fort Rupert, in partnership with the Kwakiutl First Nation.

The provincial investment funds new affordable, housing that that is developed, built and managed in partnership with Indigenous non-profit housing providers and First Nations. For example, the new homes on Kwakiutl First Nation territory are two three-bedroom homes for families and four two-bedroom homes for Elders. The two-bedroom homes are adjacent to administrative, cultural and health facilities, ensuring Elders have easy access to community services. Monthly rents range from \$500 for a two-bedroom unit to \$700 for a three-bedroom unit. The Kwakiutl First Nation owns and manages the homes.



Long-term revenue sharing

UN Declaration Article 4: “Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.”

The Province and BC First Nations Gaming Commission jointly developed a long-term, 25-year arrangement to share provincial gaming revenue, enabled through new legislation under the Gaming Control Act passed in 2019 and administered through a long-term revenue sharing agreement. The agreement is expected to provide approximately \$3 billion in new revenue shared with First Nations over its lifetime. It is a secure, long-term revenue stream for all First Nations governments across the province, administered and managed by a First Nation-controlled entity, the First Nations Gaming Revenue Sharing Limited Partnership.

In September 2020 the Province and the First Nations Gaming Commission signed the long-term agreement. Together with the provisions of the Gaming Control Act, the agreement provides seven percent of net provincial gaming revenue to First Nations in B.C. to be used to support self-government and self-determination, strong, healthy communities and services that make life better for families in Indigenous communities across B.C. The ongoing revenue stream supports First Nations in planning for the long-term and investing in the services they decide their communities need to thrive and prosper.

The ongoing gaming revenues are being used for programs and initiatives making a real difference in communities, such as new housing, infrastructure assessments and repairs, connectivity, community centres, health and wellness supports and language programs.

The secure long-term gaming revenue stream has enabled many First Nations to secure low-rate loans through the First Nations Finance Authority to advance important economic and social development projects.

In their most recent annual report, the First Nations Gaming Revenue Sharing Limited Partnership reported that the momentum has begun for the agreement to fulfill its purpose and the majority of partners have expended their initial distributions in categories of infrastructure, safety, transportation, housing, and economic and business development. A number of First Nations have identified culture as a top priority, therefore are investing their distributions into cultural and language programs.

Gaming revenues proved critical to support community responses to the unprecedented impacts of the COVID pandemic, with communities able to deploy funds for critical food security initiatives, health and protective equipment, and resources for planning and coordination.



Mental Health and Wellness Memorandum of Understanding

UN Declaration Article 23: “Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.”

The Province of B.C. and B.C. First Nations have an established health partnership that is described in a series of legal and political agreements. Building on this partnership, the Ministry of Mental Health and Addictions (MMHA) is working with the First Nations Health Council (FNHC) and First Nations Health Authority (FNHA) to increase access to a full continuum of culturally safe mental health and substance use services.

Through an agreement between the First Nations Health Council, the Province and Indigenous Services Canada, continued progress was made on the shared commitment to support Indigenous-led solutions to mental health and wellness. A total of \$7.2 million was allocated in 2020/21 for an additional 17 First Nations-led initiatives that involve 61 communities across B.C.

As of March 2021, \$20.5 million has been allocated to 41 First Nations-led initiatives with a total of 166 communities participating in the process. This work has been successful in facilitating active collaboration among communities based on their shared language, culture and own history of collaboration. As set out in the agreement, this work is meant to advance healing, Nation rebuilding and Nation-based approaches to mental health and wellness.

A key feature of this new approach has been to provide flexible, multi-year funding based on the needs, capacity and priorities of communities. By pooling federal and provincial resources, communities are better able to address the root causes that contribute to poorer mental health and wellness outcomes without the need to make multiple proposals. This new approach has allowed communities to design and deliver services that integrate clinical and cultural approaches to mental health and wellness.

While progress is being made, the partners acknowledge the devastating and disproportionate impact of the toxic drug supply on First Nations individuals, families and communities this past year. The collision of the pandemic, the poisoned drug supply and Indigenous-specific racism is at the root of this crisis. MMHA and FNHA are working together to expand access to culturally safe, trauma-informed and community-led substance use care. This has included new investments to replace six existing First Nations-run treatment facilities throughout B.C., expand community-led and land-based approaches to healing, and targeted actions to address the disproportionate impact of the overdose crisis on First Nations, including support for people living away-from-home.

While implementation has been slowed due to COVID-19 response efforts by the partners and communities, the early success and efforts of this initiative provide a strong foundation for continued collaboration. The provincial government recognizes that sustainable and predictable funding is required to enable systemic change and address inequitable access to mental health and substance use services.



Indigenous Justice Initiatives

UN Declaration Article 34: “Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.”

As part of the [BC First Nations Justice Strategy](#) released in March 2020, the Province and the BC First Nations Justice Council (BCFNJC) have partnered to create Indigenous justice centres throughout the province. The centres are focused primarily on criminal law and child protection issues, with three opened in 2020/21.

The centres provide supports to:

- ✦ keep Indigenous people safe by reducing incarceration;
- ✦ divert Indigenous individuals to a healthy path away from justice involvement;
- ✦ make the justice system experience more Indigenous; and
- ✦ make it easier for Indigenous peoples to navigate justice and obtain support.

Indigenous justice centres have opened in Merritt, Prince George and Prince Rupert. The Province is currently working with BCFNJC to determine locations for the other centres throughout B.C., with the council planning to develop up to 15 centres.

The opening of the Williams Lake Indigenous Court is another way the Province is supporting First Nations’ work towards restoring First Nations law and justice systems. Indigenous courts offer more culturally appropriate sentencing processes by recognizing the unique circumstances of Indigenous offenders, honouring Indigenous ways of justice and adding cultural components, such as having Elders participate in the proceedings.

“We are proud to be leading the way, in partnership with the Province and First Nations, and look forward to continued collaboration as we clear the path towards addressing the over-representation and incarceration of our people, using alternative measures and self-determination through justice [...] Most importantly, the transition of Gladue services to the BCFNJC allows the removal of barriers related to requesting a Gladue report. As of April 1, 2021, any First Nations, Métis or Inuit person can request a Gladue report, whether or not they have a private lawyer or are a client of Legal Aid BC.”

Douglas White III (Kwulasultun), chair, BCFNJC

The management of B.C.’s [Gladue report](#) program transitions from Legal Aid BC to BCFNJC in April 2021. The BCFNJC will work closely with impacted individuals and Gladue writers to prepare reports for use in sentencing, bail, appeals, long-term offender hearings, dangerous offender hearings and parole hearings.



First Nations Children and Youth in Care Protocol

UN Declaration Article 14.1: “Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.”

The Province, First Nations Leadership Council and First Nations Education Steering Committee signed the First Nations Children and Youth in Care Protocol on May 26, 2020, committing to work together to improve the educational outcomes and well-being of First Nations children and youth in care and former youth in care through legislative, policy and practice reform.

The goal is to ease transitions into the school system, from grade to grade, and through post-secondary. The protocol is also intended to ensure supports and services are tailored to the needs of each child and their specific circumstances, in a way that connects them to their language and culture.

The new protocol commits all signatories to develop a strategic plan and meet twice a year to review progress toward the common goal of addressing systemic barriers facing First Nations students transitioning into independence.

Indigenous Language Revitalization

UN Declaration Article 13.1: “Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.”

Indigenous Language Fluency Degree

As of March 2021, a partnership between the En’owkin Centre, the Nicola Valley Institute of Technology (NVIT), and UBC Okanagan (UBCO) gives students the opportunity to receive a new bachelor’s degree of Nsyilxcn language fluency. This is the first bachelor’s degree of its kind in B.C. under a newly designed provincial framework for Indigenous language learning.

“Once again, En’owkin Centre is leading the way for our institutes and with this milestone is showing the potential of meaningful, reconciliatory partnerships between First Nations and public post-secondary institutions. I’m excited about the potential of this new fluency degree to support community efforts to strengthen and revitalize our languages, consistent with the vision set out in articles 13 and 14 United Nations Declaration on the Rights of Indigenous Peoples and Call to Action 16 of the Truth and Reconciliation Commission which calls upon the post-secondary institutions to create degree and diploma programs in Aboriginal languages.”

Tyrone McNeil, president, First Nations Education Steering Committee



This work was initiated by the First Nations Education Steering Committee (FNESC) and Indigenous Adult and Higher Learning Association (IAHLA) and stems from a commissioned discussion paper prepared by Dr. Jeannette Armstrong, a knowledge keeper of the Syilx Okanagan Nation and Associate Professor of Indigenous Studies at UBCO.

Currently, pilots are underway in five other communities with programming being either developed or delivered:

- ✦ Lake Babine Nation and NVIT: Bachelor of Nad'uten Language Fluency;
- ✦ Lillooet Tribal Council and NVIT: Bachelor of Northern St'át'imcets Language Fluency;
- ✦ The Nicola Bands and NVIT: Bachelor of Nłeʔkepmxcín Language Fluency;
- ✦ Wilp Wilxo'oskwhl Nisga'a Institute and the University of Northern BC: Bachelor of Nisga'a Language Fluency; and
- ✦ The W̱SÁNEĆ School Board and University of Victoria: Bachelor of SENĆOŦEN Language Fluency.

The Indigenous Language Proficiency/Fluency Degree Framework provides a pathway for communities, Indigenous institutes and public post-secondary institutions to collaboratively establish laddered community-based Indigenous language degree programs leading to fluency. This approach is designed to create fluent graduates who can then continue their learning and work in education, social services, culture, tourism and resource management positions. Graduates will have the ability to support the language revitalization efforts by working in their First Nations community with the choice of pursuing multiple career paths.

"The approval and delivery of this degree builds on decades of hard work between Indigenous institutes and their partners to develop the relevant and responsive language programming needed to address the critical state of First Nations languages in B.C. and move toward true reconciliation. We look forward to leveraging the strengths of these partnerships in order to build the capacity of our institutes and instructors to meet the growing need for language instruction within our communities."

Verna Billy Minnabarriet, vice-president of strategic partnerships, NVIT, and chair, IAHLA

Students will be able to transfer their community-based diplomas and certificates to a Bachelor of Language Fluency degree in their respective Indigenous language.



Community Language Projects

B.C. has incredible language diversity, and is home to 34 First Nations languages, which make up more than half of all Indigenous languages in Canada. These are the original languages of this land and contribute to the unique diversity of the cultures of B.C.

Since the Province's multi-year investment of \$50 million in 2018 for language revitalization, the response from Indigenous communities has been remarkable. Even with the challenges of COVID-19, First Nations in B.C. completed over 470 language revitalization projects funded by the First Peoples' Cultural Council (FPCC) in 2020/21. The FPCC is a provincial Crown corporation formed in 1990 to support the revitalization of First Nations languages, arts and cultural heritage in B.C.

"All I want for our kids is for them to have that identity and be able to talk to other speakers and know that those connections are there. I hear kids saying 'Ki! Kwak'wala' (speak Kwak'wala), and so they are reminding each other to speak in the language, and that's huge for me."

*Language Apprentice in the Mentor Apprentice Program and
Manager/Principal of Kwanwatsi Language Nest*

"The Reclaiming my Language program is one of the best. The 'domino effect' does not quite capture the words I am struggling with expressing. In 10 short weeks our community members were able to make paradigm shifts. Sometimes these shifts take a lifetime to understand, address and change. This was an opportunity for miracles to happen. Miracles happened."

Language Manager, Upper Nicola Band

Communities have developed language revitalization plans, trained staff and implemented programs that are making a difference by documenting the languages and creating new speakers. Communities have created capacity to not only continue this work but to build on this foundation so that First Nations languages can be passed on to future generations.



Collaborative Stewardship Initiatives

UN Declaration Article 29.1: “Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.”

Working with Indigenous peoples to restore Indigenous stewardship and embrace Indigenous knowledge in natural resource management is a tangible example of the collaborative work on the ground to implement the UN Declaration.

More than 100 First Nations are working together in regional forums across B.C. on stewardship projects that support resource management and information that leads to better decisions. These include the Environmental Stewardship Initiative (ESI), Collaborative Stewardship Framework, Marine Plan Partnership and Great Bear Rainforest implementation forum.

Each of these forums co-designs and implements priority stewardship projects that are meaningful to all parties. Below is a sample of their accomplishments from the past year.

- ✦ The ESI’s new data management strategy provides an understanding of how to manage and govern information being collected to support stewardship work, including the appropriate consideration of Indigenous knowledge.
- ✦ The ESI Skeena Sustainability Assessment Forum completed three “State of the Value” reports for grizzly bear, fish and fish habitat, and wetlands. These reports reflect both western science and Indigenous knowledge. They provide a shared understanding of these values, as well as the baseline status, which will help guide future management decisions to ensure these important resources are managed well for future generations.
- ✦ A new Cultural Indicators Report will bolster the understanding and application of Indigenous knowledge in monitoring and assessing the five ESI Skeena Sustainability Assessment Forum values: grizzly bear, fish and fish habitat, wetlands, moose and traditional/medicinal plants. Cultural indicators that are based on cultural practice, and tied to overarching cultural well-being objectives, will guide the partners to make sure that decisions affecting the territories of the Skeena First Nations can be tracked over time and the effects managed more effectively.
- ✦ The 3Nations Collaborative Stewardship Framework Forum completed a Co-Management Report and Recommendations to support a framework for co-managing species of shared interest and concern. One of those species – moose – was the focus of a new Moose Stewardship Plan developed with B.C. Fish and Wildlife staff and the Conservation Officer Service, which includes habitat and population objectives. 3Nations includes Kaska Dena Council (Daylu Dena Council and Dease River First Nation), Taku River Tlingit First Nation and Tahltan Nation.



- ◆ The Nicola Collaborative Stewardship Framework Forum completed and released a Watershed Characterization Report this year and established a new Nicola River Drought Levels Committee to work with B.C. to establish hydrological flow needs that combine Indigenous worldviews and perspectives, with regional water demand pressures. The forum includes Lower Nicola Band, Upper Nicola Band, Coldwater Band, Shackan Band and Nooaitch Band.
- ◆ The Province, Coastal First Nations and Nanwakolas Council co-developed terms of reference for a program review in 2021, which will develop consensus recommendations for future work. The review will involve the Province and 26 First Nations, as well as input from industry, environmental groups and other stakeholders.
- ◆ The Marine Plan Partnership completed annual monitoring for selected marine ecosystem health indicators in the region, including kelp. The partnership also completed two pilot projects to advance collaborative management of marine and shoreline archeological, heritage and cultural sites and to explore economic development projects in the coastal environment, including biophysical and feasibility assessments for shellfish and marine plant aquaculture.

These initiatives create a platform for reconciliation built on a commitment to collaborative governance and outcomes. The approach brings together science-based practices with unique Indigenous knowledge and practices. Relationships fostered through the collaboration create a deeper understanding of cultural values and interests. This has led to advancing reconciliation through dialogue on important resource management issues affecting Indigenous peoples and stakeholders.

“The unique partnership between our communities and British Columbia is a powerful example of reconciliation in action. It’s exciting to see the progress we have made as we identify and address marine-related issues with creative and positive solutions. We are so inspired and hopeful for the future.”

Christine Smith-Martin, Coastal First Nations-Great Bear Initiative



Agreements between the Province and First Nations

UN Declaration Article 4: “Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.”

The Province continues to support innovative new approaches to government-to-government relationships with First Nations by making agreements together that advance reconciliation.

The Province signed a number of important agreements with First Nations in 2020/21 that support self-government and self-determination and economic development:

- ✦ Lake Babine Nation, B.C. and Canada signed a landmark new reconciliation agreement in September 2020 that sets out a 20-year journey to implement and recognize Lake Babine Nation’s section 35 rights and transform its relationship with B.C. and Canada. This innovative and exemplary Foundation Agreement outlines how all parties will work together to implement Lake Babine self-governance, Aboriginal title and other rights, boost economic development, become true partners in major land and resource management, and promote community health and well-being. The Foundation Agreement also confirms this implementation work will be guided by the UN Declaration.
- ✦ Snuneymuxw First Nation and the provincial government reached two agreements in September 2020 that foster economic development and support a strong and stable future for Snuneymuxw and its members. The reconciliation and land transfer agreements set out a plan for strengthening government-to-government relations and provide clarity and predictability for people, businesses and governments across Snuneymuxw territory.

“The agreements signed today with Snuneymuxw and British Columbia mark a major step forward. [...] This is an improved relationship that opens the door to meaningful cooperation and collaboration based on the United Nations Declaration on the Rights of Indigenous Peoples, including steps for land reconciliation in relation to a return of our traditional territory. [...] Like we have always done, Snuneymuxw people welcome new relationships, support prosperity and business development in the mid-Island area and will work with all of our partners to bring new opportunities. This step today was made possible by the leadership of our people for many generations and will serve to support our children and grandchildren to know our identity, Nation and lands are recognized and supported by all.”

Chief Mike Wyse, Snuneymuxw First Nation

- ✦ As part of treaty negotiations with the Northern Secwepemc te Qelmuw (NStQ), in August



2020 the Province purchased a ranch, along with its Crown land range tenure, cattle, hay and equipment, to be transferred to Xatsúll First Nation (Soda Creek Indian Band). Ensuring these historically important lands are productive for the Nation over the course of negotiations is helping to cement the Province's relationship with NStQ and opening up new paths to long-term reconciliation.

- ✦ The Skwxwú7mesh (Squamish) and Líl'wat Nations, the Province, the Municipality of Whistler and Whistler Blackcomb signed an agreement in June 2020 to create new economic opportunities in the region. The agreement will also help establish stronger relationships and cooperation between partners through a spirit of reconciliation. The agreement's framework includes development opportunities for the Nations, a land exchange between the Nations and the municipality, and potential collaborations on employee housing.
- ✦ When a 3.4-hectare private property adjacent to the Esquimalt Nation reserve came up for sale in View Royal, it presented a rare chance to include lands with housing and commercial development opportunities in reconciliation discussions with Esquimalt Nation. The Province purchased the property in October 2020, to be transferred to Esquimalt Nation after a land transfer agreement is negotiated.

Connectivity

UN Declaration Article 23: "Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions."

The Province is committed to expanding high-speed internet services to Indigenous communities throughout B.C. to increase opportunities to learn, do business, access services, respond to emergencies and stay connected. Connectivity has been identified as one of the key elements that supports First Nations self-government.

Since 2017, the Province has invested \$180 million towards connectivity infrastructure projects, including the expansion of the Connecting British Columbia program in 2020, with a \$90 million one-time grant as part of StrongerBC for everyone: BC's Economic Recovery Plan. This has been the Province's largest-ever funding opportunity for connectivity projects and the first-time service providers have been able to apply for grants to support investments in cellular.



Some of the recent advances include:

- ◆ Cellular service is being expanded along Highway 16 through a co-funding arrangement between the Province, Canada and Rogers where the Connecting British Columbia program will contribute \$2.25 million to the \$11.6 million project. By October 2022, the full length of the 'Highway of Tears' will have complete cellular connectivity. Solving the problem of cellular gaps along the stretch of highway was among the Highway of Tears Symposium Report's 33 recommendations and is part of the Provincial response to the National Inquiry into Missing and Murdered Indigenous Women and Girls. The investment is key to ensuring women, especially Indigenous women, who are not safe can call for help and receive the services they need to ensure their safety and security.
- ◆ Cellular coverage will be extended along Highway 14 on Vancouver Island, benefitting communities along the highway, including Pacheedaht First Nation. This is funded with a \$4.9 million Connecting British Columbia program grant.
- ◆ \$10.3 million in grants to CityWest will improve high-speed internet access to communities within the territory of the Haida Nation, Nuxalk Nation, Ehattesaht First Nation and Klahoose First Nation.
- ◆ The Connecting British Columbia program helped with the costs of connecting Williams Lake First Nation to high-speed fibre internet in 2020.
- ◆ Internet access in South Hazelton is helping the Gitxsan Development Corporation grow the region's economy and create family-supporting jobs.
- ◆ Grants from the Connecting British Columbia program continue to support investments in connectivity benefitting people in Indigenous communities throughout B.C.

The Connected Communities program continues to support the digital readiness of local governments, First Nations and rural communities. Under this program, the Ministry of Citizens' Services works with communities to help them better understand how to achieve the economic, environmental and social benefits that accompany high-speed internet. For example, the ministry's Connected Communities team works closely with Coastal First Nations and its member communities on connectivity-planning priorities to prepare for the launch of the Connected Coast project.



Cannabis

UN Declaration Article 5: “Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.”

A first of its kind in B.C., Williams Lake First Nation (WLFN) and the Province entered into a government-to-government agreement under section 119 of the Cannabis Control Licensing Act. The agreement supports Williams Lake First Nation’s interests in operating retail cannabis stores that offer a diverse selection of cannabis products from licensed producers across Canada, as well as a cannabis production operation that offers farm-gate sales of its own craft cannabis products.

“We have expressed a desire to have a government-to-government arrangement around our participation in the cannabis industry for several years and it is gratifying to finally formalize this agreement. We’re particularly excited about being the leaders in farm-gate cannabis sales. The WLFN craft cannabis farm-gate facility that is currently under construction will create jobs and stimulate tourism and represents a significant boost for the region’s economy.”

Chief Willie Sellars, Williams Lake First Nation

The agreement-making provision was included in provincial cannabis legislation to allow some flexibility within the provincial framework to address an Indigenous government’s community-specific interests.

Entering an agreement under section 119 allows Williams Lake First Nation to pursue its vision for participation in the cannabis industry while also upholding the public health and safety principles of federal and provincial cannabis laws. It also shows by working together the provincial government can find solutions that allow the Province and Indigenous nations to achieve individual and shared goals with respect to cannabis legalization. This is another important step in supporting economic development across B.C. and the new agreement will create jobs, boost the local economy and help diversify B.C.’s cannabis industry.



MEASURING PROGRESS

To support accountability and transparency on implementation of the *Declaration Act*, the Province will develop indicators for measuring progress on the alignment of laws and implementation of the action plan. To measure progress in a way that is meaningful to Indigenous peoples, this must also be done in consultation and cooperation with Indigenous peoples in B.C. The Province will work with Indigenous peoples to identify suitable tools, indicators and measures for monitoring, assessing and reporting out on progress on the implementation of the *Declaration Act* in subsequent annual reports.

CONCLUSION

The Province respectfully acknowledges with gratitude the contributions of Indigenous peoples, organizations and governments over the past year to this shared work, particularly given the additional pressures and limitations imposed by the pandemic.

Meaningful progress to implement the *Declaration Act* was achieved in 2020/21. At the same time, the Province recognizes there is still much work to be done. The Province remains committed to continued implementation of *Declaration Act* in ongoing consultation and cooperation with Indigenous peoples in B.C.

“B.C. is a leader in Canada in advancing reconciliation, and we remain committed to working together with Indigenous peoples on this important priority. The historic legislation we passed [in 2019], developed in partnership with Indigenous peoples, provides a path forward for all of us, one that respects Indigenous peoples’ human rights and creates clarity and predictability for everyone who lives in British Columbia.”

John Horgan, Premier of B.C.





BRITISH
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