B.C. Declaration on the Rights of Indigenous Peoples Act

THE LEGISLATION

The Government of British Columbia has introduced 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 B.C. 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 Province and Indigenous peoples do together. With the legislation, the Province, 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, cooperative, staged approaches through which the Province works with Indigenous governing bodies, business and local governments on 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, B.C. businesses, communities and families across the province. The Province also recognizes that many companies in British Columbia have embraced the principles of the UN Declaration for a number of years and have built solid relationships with First Nations.

The Province 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 Nations through the implementation of the UN Declaration on the Rights of Indigenous Peoples. 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 governing bodies 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 (FLNRORD) has worked collaboratively with Indigenous nations in support of the Province’s broader commitment to implement the UN Declaration. These efforts are inclusive of 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 and in 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.
Indigenous Forest Technician Training Scholarship Program

» British Columbia Timber Sales (BCTS) and the First Nations Forestry Council (FNFC) 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, FLNRORD 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)

» The Ministry has worked with Indigenous Nations throughout the Province to inform amendments to the current FRPA legislation. This work supports reconciliation efforts by emphasizing modernized land use planning, renewing forest policy province-wide, and improving wildlife management and habitat conservation.

» Renewal of the Coast/Interior Forest Sector

» In spring 2019, BC 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

» FLNRORD is exploring ways to notify and collaborate with Indigenous Nations on the development of regulations Ministry-wide, inclusive of those impacting forestry activities.

» Draft First Nations Forest Strategy

» FLNRORD and the First Nations Forestry Council have been engaging with Indigenous Nations throughout BC over the last 5 years to inform a revised BC First Nations Forest Strategy.

FLNRORD will continue to work with Indigenous Nations on various models that support strategic and collaborative management of the land base. Such models are inclusive of but 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 governing body, must be administratively fair and be able to withstand judicial review, if challenged.

The new 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 FLNRORD. 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. The Province retains authority for making decisions in the public interest and as such, the legislation does not provide for the ability to veto a project or application without due process and agreement.

Implementation of the UN Declaration will not affect existing agreements between FLNRORD 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 governing bodies is intended to help establish predictable, sustainable and collaborative approaches to forestry. FLNRORD will continue to work with Indigenous Nations to ensure that their rights and interests are respected in all aspects of the forestry industry.