

## BRIEFING NOTE FOR INFORMATION

**DATE:** May 10, 2016

**PREPARED FOR:** Honourable John Rustad, Minister of Aboriginal Relations and Reconciliation

**ISSUE:** United Nations Declaration on the Rights of Indigenous Peoples

### SUMMARY:

- On May 10, 2016, Indigenous Affairs Minister Carolyn Bennett formalized Canada's position on the declaration during the United Nation's Permanent Forum on Indigenous Issues, announcing that Canada is a full supporter of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), removing qualifications previously placed by the Harper government.
- s.16

### BACKGROUND:

- On June 2, 2015, the Truth and Reconciliation Committee (TRC) released its findings and 94 calls to action representing steps in redressing the legacy of Indian Residential Schools and advancing the process of reconciliation.
- Number 41: "We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the UNDRIP as the framework for reconciliation."
- While the provincial government supports the calls-to-action, it has not officially announced the adoption of all recommendations. Implementation of UNDRIP is a federal responsibility.
- The province has undertaken a number of tangible actions that address the recommendations in the TRC's Call to Action related to education, health, socio-cultural, domestic violence and benefit sharing (see Appendix 1).

### DISCUSSION:

#### Federal Commitment:

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- s.13,s.16
- - Interpretations about veto power have not been directly addressed; however, on May 9, Minister Bennett reportedly responded to a question on veto power that "The national chief has said it's not a veto – the Tsilhqot'in decision showed that the national public interest would prevail... We need meaningful engagement on the rights that First Nations already hold."
  - s.13
- Regarding the issue(s) within the UNDRIP that the federal government would apply first, Minister Bennett responded "...we cannot prioritize without First Nations... It is self-government that is the ultimate goal, to move out of Indian Act - so we have to answer the land question."

- Another media source reports Minister Bennett stating, “Recognition of elements of the declaration began 250 years ago with the Royal Proclamation, which was about sharing the land fairly. UNDRIP reflects the spirit and intent of our treaties.”
- s.13
- Regarding the NDP MLA’s bill for implementation of the UNDRIP, Minister Bennett responded, “It would be very important that we consult First Nations, Inuit and Metis on anything we would do in order to codify (UNDRIP)... It is very important we understand and we being that conversation as nation-to-nation, Inuit-to-Crown. I don’t think we can go forward based on a private member’s bill without proper consultation.”
- There is potential for the federal government to bring in new legislation associated with the UNDRIP.

Potential Challenges:

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The federal government met with a number of Indigenous leaders in advance of the May 10 announcement to confirm that is not the federal perspective.

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Attachments:

Appendix 1 - BC Commitments Complementary to UNDRIP

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## **Appendix 1 – BC Commitments Complementary to UNDRIP**

Highlights of some key initiatives and commitments that align with the TRC Calls to Action:

### **Education:**

- Improving outcomes for Aboriginal students is one of the Province's highest priorities. The six year completion rate (the proportion of students who graduate within six years of the first time they enroll in grade 8) for Aboriginal students has climbed to a record high of 63% and the transition rate (the percentage of students who enter a higher grade for the first time from a lower grade) for Aboriginal students entering grade 12 has increased to 78%.
- Minister of Education recently announced that Aboriginal history, culture and perspectives have been integrated into a new K-12 curriculum starting in 2016.

### **Health:**

- The Province held a leadership role in the development of a new First Nations Health Authority (FNHA). The FNHA is the first entity of its kind created in Canada and is working with First Nations, Health Canada, the BC Ministry of Health and the provincial health system to improve First Nations and Aboriginal health programs and services, as well as foster a health and wellness approach that reflects the culture of First Nations.

### **Socio-Cultural:**

- The Province supports and funds the First Peoples Cultural Council Crown Corporation which focuses on the revitalization of Aboriginal language, arts and culture in BC.

### **Domestic Violence:**

- In April 2015, under the three-year Provincial Domestic Violence Plan, MCFD provided \$1 million to Stroh Health Care and the BC Association of Aboriginal Friendship Centres to develop preventative community-based programming for perpetrators of domestic violence.

### **Benefit Sharing:**

- Forest Consultation and Revenue Sharing Agreements – Since 2003, the Province has shared more than \$350 million with participating First Nations through FCRSAs and other forestry revenue sharing agreements. The Province provided \$31.5 million in 2014/15;
- Economic and Community Development Agreements - BC has agreements with First Nations to share mineral revenues and benefits from 13 of the 18 operating mines. Since Aug. 2013, nearly \$14.5 million in direct mineral-tax revenues from new mines and major mine expansions has flowed to First Nations. The Province provided \$2.7 million in 2014/15;
- Clean Energy Revenue Sharing Agreements – The Province has 39 agreements with 31 First Nations and in 2014/15 paid out \$520,000 to First Nations;
- LNG Pipeline Benefit Agreements – The Province has 62 agreements with 29 First Nations and in 2014/15 paid out \$4.435 million.

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## BULLETS

**DATE:** April 26, 2016

**PREPARED FOR:** Honourable John Rustad, Minister of Aboriginal Relations and Reconciliation

**REGARDING:** May 16<sup>th</sup> meeting with the First Nations Leadership Council and Minister Suzanne Anton, regarding the National Inquiry on Missing and Murdered Indigenous Women and Girls.

**SUMMARY:**

- Along with the Province and other partners, the FNLC co-signed the 2014 *Memorandum of Understanding Regarding Stopping Violence against Aboriginal Women and Girls* (MOU), and co-hosted the 2016 Provincial Family Gathering for Families of Missing and Murdered Indigenous Women and Girls (MMIWG).
- On February 4, 2016, the Assembly of First Nations (AFN) held a day-long Forum to collect feedback about the National Inquiry from regional leadership representatives, Executive members, Women's Council representatives, family members, and the public.
- BC AFN Regional Chief Shane Gottfriedson leads the MMIWG file on behalf of AFN.
- In February 2016, Minister Anton submitted a letter on behalf of the Province to Minister Wilson-Raybould to help inform the scope and design of the National Inquiry; the submission was informed by Provincial engagement with ministries, municipalities, Aboriginal organizations, families, and survivors.
- In February 2016, Ministers met directly with family members and survivors during the Provincial Family Gathering in Prince George and the National Roundtable in Winnipeg.
- Informed by these meetings, staff from the Ministries of Public Safety and Solicitor General, Justice and Attorney General and Aboriginal Relations and Reconciliation drafted s.13.s.16.....  
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- s.13,s.16
- Provincial involvement in the National Inquiry will be led by the Ministry of Justice and Attorney General, in strong partnership with the Ministries of Aboriginal Relations and Reconciliation and Public Safety and Solicitor General.
- The 2nd anniversary of the MOU is on June 13, 2016; it is anticipated that a Joint Partners Table (JPT) meeting will be held to commemorate this event and continue collaborating toward ending violence against Aboriginal women and girls.

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