

29 Declaration on the Rights of Indigenous Peoples Act (DRIPA)

UNDRIP

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is an international human rights instrument adopted by the United Nations General Assembly on September 13, 2007, comprised of 46 articles about the treatment of Indigenous peoples. These articles address rights that "constitute the minimum standards for the survival, dignity and well-being of the Indigenous people of the world."

Declaration Act (DRIPA)

The Legislative Assembly of British Columbia unanimously adopted the *Declaration on the Rights of Indigenous Peoples Act, 2019* (commonly referred to as the *Declaration Act* or DRIPA) on November 28, 2019 to enshrine UNDRIP into law.

The *Declaration Act* requires that the Government of British Columbia ensure that provincial laws (both existing and future) are consistent with UNDRIP. The Act also requires that the government, in consultation and cooperation with Indigenous peoples, prepare and implement an action plan on how these changes will be achieved and prepare annual reports on the progress made toward implementing measures set out in the action plan. The action plan and annual reports must be provided to the Legislative Assembly. The Act also enables the government to share statutory authority with Indigenous governing bodies by entering into decision making agreements.

The Province is establishing a secretariat to guide and assist government to meet its obligation to ensure that legislation is consistent with UNDRIP, and is developed in consultation and cooperation with Indigenous Peoples. The process of alignment of laws in particular is likely to be a long-term process that will have wide ranging implications for local governments over time.

DRIPA Action Plan

The Province released their DRIPA Action Plan on March 30, 2022, outlining 89 actions across all government ministries that to be undertaken over a five years period (2022-2027) to implement the Act.

The actions are grouped across 4 themes:

1. Self-determination and inherent right of self-government
2. Title and rights of Indigenous Peoples
3. Ending Indigenous-specific racism and discrimination
4. Social, cultural and economic well-being

Two actions directly address local governments:

- 1.11 – Support inclusive regional governance by advancing First Nations participation in regional district boards. (*Ministry of Municipal Affairs*), and
- 4.27 – Review the principles and processes that guide the naming of municipalities and regional districts, and evolve practices to foster reconciliation in local processes. (*Ministry of Municipal Affairs*)

While not explicitly referencing local governments, many of the other actions are likely to be of interest, including those addressing Indigenous peoples living in urban areas (4.21-4.24), species at risk and environmental stewardship (2.6-2.8), wild salmon (2.9), forest policy reform (2.10), policing reforms (3.11), heritage conservation (4.35), and emergency management (1.10).

Local Government Engagement & Consultation

UBCM and the Province in 2021 renewed an MOU detailing a commitment on behalf of the signatories to share information on a range of initiatives relating to Indigenous relationships including negotiations and agreements (treaty and non-treaty), as well as implementation of the *Declaration on the Rights of Indigenous Peoples Act*. This MOU commits the Province to communicating with UBCM and local governments on all Indigenous initiatives that have potential implications for areas of local government interest including, but not limited to land management, land use planning, dispute resolution, servicing agreements and economic development.

UBCM continues to work with the Province to seek guidance for local governments on DRIPA, including via educational events and webpage resources (see “Further Information” below).

Federal UNDRIP Legislation

At the Federal level, Bill C-15, *An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) received Royal Assent on June 21. This legislation closely parallels British Columbia’s *Declaration on the Rights of Indigenous People’s Act* in establishing a process for alignment of laws with UNDRIP and working towards the objectives of the declaration more broadly. Its provisions include:

- Making laws consistent with UNDRIP,
- Development of an action plan “as soon as practicable, but no later than two years after the day on which this section comes into force.”, and
- Preparation of an annual report that must be tabled in each House of Parliament and permanently referred to the Committee of each House of Parliament responsible for reviewing Indigenous issues.

Each of the major components of the legislation noted above are to be undertaken in consultation and cooperation with Indigenous peoples. The action plan notably must include measures to “address injustices, combat prejudice and eliminate all forms of violence, racism and discrimination, including systemic racism and discrimination”, as well as measures related to monitoring, oversight and accountability. Unlike BC’s *Declaration Act*, the federal legislation does not contain provisions for joint decision-making agreements.

Further Information

DRIPA

<https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/19044>

DRIPA Action Plan

https://www2.gov.bc.ca/assets/gov/government/ministries-organizations/ministries/indigenous-relations-reconciliation/declaration_act_action_plan.pdf

UBCM MOU with Province

<https://www.ubcm.ca/sites/default/files/2022-08/MOU%20on%20Engagement%20with%20UBCM%20and%20Local%20Governments%20on%20First%20Nations%20Negotiations%20and%20Other%20Indigenous%20Initiatives.pdf>

UBCM DRIPA resources

<https://www.ubcm.ca/policy-areas/current-policy-initiatives>

An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples

<https://parl.ca/DocumentViewer/en/43-2/bill/C-15/royal-assent>

Updated August 2022