



*The Haida Bear: A symbol of power, courage,
physical strength and leadership.*

United Nations Declaration of Rights of Indigenous Peoples (UNDRIP)

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Below BC - 2020

UNDRIP Summary

- UNDRIP took 25-years to negotiate and pass at the United Nations
- It was finally adopted by the UN General Assembly on September 13th, 2007
- 144 States were in favour
- 4 were against (Australia, Canada, New Zealand and United States)
- 11 Abstained (Azerbaijan, Bangladesh, Bhutan, Burundi, Columbia, Georgia, Kenya, Nigeria, Russia, Samoa and Ukraine.
- Canada later removed its objection in 2010, and it was passed by the House of Commons in 2016
- UNDRIP is a significant tool in eliminating human rights violations towards 370 million indigenous people worldwide
- Requires new approaches to global issues on development, multiculturalism, devolution of power and decentralization
- Requires participation based on effective consultation and partnerships



UNDRIP Policy Highlights

- UNDRIP is **not legally binding**, but rather an “aspirational document”
- It forms a **comprehensive statement** addressing the human rights of Indigenous Peoples
- Emphasizes the rights of Indigenous Peoples to:
 - Live in dignity
 - Maintain and strengthen their own way of life
 - Pursue self-determined development
- UNDRIP is comprised of **46 articles**, of which:
 - 17 are on how to **protect and promote indigenous culture**
 - 15 are about **direct participation** in all decisions that will affect their lives



UNDRIP Rights Ensured



- The right to fully enjoy all human (individual and collective) rights and fundamental freedoms as recognized in the Universal Declaration of Human Rights
- The right to be free from any kind of discrimination
- The right to self-determination (i.e. no coercion, right to elect own governments etc.)
- The right to maintain and strengthen distinct political, legal, economic, social and cultural institutions
- Subsistence rights (i.e. food, water, shelter etc.) and rights to lands, territories and resources
- The right to participate fully, if they choose to, in the political, economic and cultural life of the state



Introducing UNDRIP to BC Legislation



- In British Columbia, it was introduced as “Bill 41” (Bill C262 at the Federal level), and mandates “action plans” for each government department, and annual reporting on their progress toward fulfilling the rights specified in the declaration
- The Bill also gives government departments the authority to share decision-making with Indigenous governments. Although Canadian courts affirm that it is the duty of government to consult with First Nations on decisions, it did not force / empower decision makes to do that.
- Bill 41 passed unanimously in the BC Legislator in November 2019, and it mandates the provincial government bring its policies and laws into harmony with the aims of UNDRIP.



Free, Prior & Informed Consent (FPIC)



- The idea of FPIC is to establish bottom up participation and consultation of an Indigenous population prior to development on ancestral land or using resources within the Indigenous Population's territory
- **Free** = "No coercion or manipulation of the Indigenous People"
- **Prior** = "consent is sought sufficiently in advance of any activities, and time for consultation is adequate"
- **Informed** = "relevant Indigenous peoples receive satisfactory information on key points of a project, such as the size, pace, reversibility, scope etc.)
- **Consent** = "the process in which participation and consultation are central pillars"



UNDRIP Implementation for Funders



- “Funders” refers to companies wishing to conduct business with a First Nations group of within their Traditional Territory
- Recommendations include:
 - Conduct training for board, advisors and staff on UNDRIP's provisions and implications
 - Obtain FPIC of Indigenous Peoples when funding projects in their territories and communities
 - Recruit and add Indigenous members to Boards and staff
 - Create an active working committee on UNDRIP implementation including members of the board, staff and grantees including indigenous representatives that would:
 - Conduct annual progress reviews of implementation,
 - Require grantees to prepare action / implementation plans (i.e. subcontractors)
 - Creation of a Code of Ethics recognizing UNDRIP
 - Support indigenous governing bodies