

October 25, 2019

New legislation will align treaty negotiations with international standards for Indigenous rights recognition

VANCOUVER – Yesterday the government of British Columbia introduced Bill-41 to the Legislative Assembly – historic legislation to provincially implement the *United Nations Declaration on the Rights of Indigenous People* (UN Declaration). The Treaty Commission supports this bill and is optimistic that it will have positive impacts for treaty negotiations and implementation in BC.

The *BC Declaration on the Rights of Indigenous Peoples Act* was developed with the First Nations Leadership Council, as directed by Indigenous leaders. It sets out a process to ensure BC laws are consistent with the rights defined in the UN Declaration, and an action plan to achieve the objectives of the UN Declaration, with annual reporting on progress. British Columbia is the first province to introduce a bill implementing the UN Declaration.

The UN Declaration reflects internationally recognized standards for Indigenous human rights. Many of these rights relate to self-determination and self-government, and rights of Indigenous peoples to participate in decision-making that affect their governments, lands, territories, waters, culture and autonomy.

“It is with optimism that this important bill includes a provision, in section 7, for the provincial government to enter into agreements with Indigenous governments for joint decision-making and consent,” said Chief Commissioner Celeste Haldane. “Joint decision-making is an essential element of treaties, and government mandates for negotiations must be consistent with the UN Declaration.”

In BC, modern treaties are the best mechanism to implement the UN Declaration, and in particular the right to free, prior and informed consent. A legal opinion published last year by the Treaty Commission determines that the BC treaty negotiations process facilitates nation-to-nation negotiations culminating in constitutionally protected agreements for shared sovereignty and reconciliation. Treaty tables are already integrating the UN Declaration into negotiations through innovative transition agreements that are accelerating negotiations through a rights recognition approach. Bill-41 recognizes the legal and constitutional nature of Indigenous title, rights, laws and legal systems, requiring negotiations for their protection and implementation.

“Bill-41 not only acknowledges the legal and constitutional obligation the government has to uphold the rights of Indigenous Peoples, but it provides a path to rights recognition that is co-developed with First Nations, as partners.”

“The Treaty Commission will continue to support the implementation of the UN Declaration through fairly negotiated and honourably implemented treaties in BC,” Chief Commissioner Haldane added.

Chief Commissioner Celeste Haldane attended Bill-41’s introduction to the Legislative Assembly of British Columbia in Victoria.

-30-

Quick Facts

- Canada officially announced its full endorsement of the UN Declaration on the Rights of Indigenous People in 2016, nine years after it was adopted by the UN General Assembly.
- Last month the Principals of the BC treaty negotiations process announced a co-developed rights recognition policy directive.
- The Principals expanded the Treaty Commission’s mandate in January 2018:
“Through its role in facilitating treaty negotiations, BCTC will support the implementation of the UN Declaration, the TRC’s 94 Calls to Action, the federal Principles, and the recognition of First Nations right and title.”
- In December 2018 the Principals signed an accord committing to changing BC treaty negotiations.
- In the 2019 budget, the federal government announced that treaty loans will be eliminated and repaid.

FOR MORE INFORMATION

Odette Wilson / Communications Advisor / t: 604-482-9215 / c: 604-290-4059 / owilson@bctreaty.ca Mark Smith /
Director of Process / msmith@bctreaty.ca

About the BC Treaty Commission

The Treaty Commission is the independent body responsible for overseeing treaty negotiations among the governments of Canada, BC and First Nations in BC. It has three roles: facilitation, funding, and public information and education.

Visit www.bctreaty.ca to learn more about the Treaty Commission.