



## NATURAL RESOURCES SECTOR

The implementation of the United Nations Declaration on the Rights of Indigenous Peoples has the potential to make meaningful and positive change to how Indigenous peoples, communities, and businesses participate in sustainable natural resources development. This includes having Indigenous peoples as full partners in the natural resource and net-zero carbon economy and ensuring that Indigenous peoples have a seat at the table for decisions that may affect their communities. Together, we can develop a stronger, more sustainable, and predictable path for Indigenous peoples, the Government of Canada, and industry.

### *Practical Implications*

The Declaration already helps to interpret and apply Canadian law. The *United Nations Declaration on the Rights of Indigenous Peoples Act* does not change this, nor does it diminish Indigenous rights as affirmed in [section 35 of the Constitution Act, 1982](#). The Government of Canada will continue to have a constitutional duty to consult with Indigenous peoples when it considers measures that might adversely impact potential or established Aboriginal or Treaty rights. This legislation supports the Government's ongoing implementation of its constitutional duty and provides a legislative framework to advance the Government's implementation of the Declaration in Canada, in partnership with Indigenous peoples.

When discussing resource development, the concept outlined in the Declaration of free, prior and informed consent (FPIC) is interconnected. FPIC is a manifestation of Indigenous peoples' right to self-determination and is about the effective and meaningful participation of Indigenous peoples in decisions that affect them, their communities, and territories. FPIC is contextual in that there is no "one size fits all" for all Indigenous peoples in terms of what it means or how it is implemented on the ground. Operationalizing FPIC may require different processes or new creative ways of working together to ensure meaningful and effective participation in decision-making.

Measures to align the laws of Canada with the Declaration over time will require a collaborative process. Any amendments to existing laws or the development of new laws identified as part of this process would proceed through the usual legislative process. This *Act* does not itself amend or repeal existing federal laws, and, for those not aligned with the Declaration, will not be automatically repealed. For the natural resources industry, the *Act* does not immediately create any new obligations or regulatory requirements. Industry will continue to be required to meet its procedural requirements as set out in existing legislation, such as in the [Impact Assessment Act, 2019](#) and the [Canadian Energy Regulator Act, 2019](#), which acknowledge the Government of Canada's commitment to implement the Declaration and contain provisions for greater Indigenous involvement in decision-making processes built-in throughout the regulatory process.

## *Path Forward*

A key component of this legislation is the provision to develop and implement an action plan to achieve the objectives of the Declaration, in partnership and cooperation with Indigenous peoples. This process provides a space to identify priority areas for the implementation of the Declaration, which can help to close socio-economic gaps and promote greater prosperity for Indigenous peoples and all Canadians. Across Canada, there are increasingly more examples of how Indigenous peoples and industry are harnessing new opportunities to work alongside in partnership to create mutual benefits.

Natural Resources Canada is working towards reconciliation by building meaningful partnerships and ensuring Indigenous peoples benefit in developing Canada's natural resources. A few examples include:

- Launching and implementing the Canadian Minerals and Metals Plan, to provide increased economic opportunities for Indigenous peoples and support the process of reconciliation;
- Leading the Indigenous Forestry Initiative to strengthen support for Indigenous businesses and workers involved in the forest sector through funding to forest-based economic development for Indigenous communities across Canada;
- Executing the Prime Minister's commitment to plant two billion trees, which will include strong partnerships with Indigenous peoples across Canada, through a distinctions-based approach;
- Initiating and prioritizing the Clean Energy in Rural and Remote Communities program and the Indigenous Off-Diesel Initiative to support community-led renewable energy projects that are reliable and cost-effective solutions to diesel for heat and power. These programs improve environmental outcomes and boost socio-economic development, particularly in Indigenous communities;
- Changing the way we work with Indigenous peoples on strategic projects, including the work we do with the co-developed Indigenous Advisory and Monitoring Committees for major petroleum projects, which enable Indigenous participation and environmental monitoring in the oversight of the entire lifecycle of a project; and,
- \$2.6 million in funding for the First Nations Major Projects Coalition, as well as \$1 million in funding for the First Nations Climate Initiative. Both of these initiatives will increase Indigenous participation in the natural resources economy by developing collaborative relationships between industry and government, increasing certainty around First Nations participation in major project development and advancing meaningful engagement.

The Declaration can be used as a guidepost in establishing those relationships, because when Indigenous peoples are provided the opportunity to participate as full partners in economic development, it is a reflection of their inherent right to self-determination.

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**[CANADA.CA/DECLARATION](https://canada.ca/declaration)**