



WHAT WE **LEARNED**

REPORT

BILL C-15

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Executive Summary

On December 3, 2020, the Minister of Justice and Attorney General of Canada, with support from the Minister of Crown-Indigenous Relations, introduced [Bill C-15, An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples](#). Bill C-15 delivers on the Government of Canada's commitment to introduce legislation to advance implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) before the end of 2020. It also responds to the Truth and Reconciliation Commission's Calls to Action 43 and 44 and to the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) Calls for Justice.

In support of the Government's commitment to introduce legislation for the implementation of the UN Declaration, a series of virtual engagement sessions were held over a six-week period between September 30 and November 6, 2020 with First Nations, Inuit and Métis Nation leaders, Modern Treaty signatories, regional Indigenous organizations, Indigenous women's organizations and Indigenous youth. The process also included virtual discussions with natural resource industry sectors and with all provinces and territories. Discussions with provincial and territorial governments took place within the usual framework of confidentiality and details of these discussions are not covered in this report.

In total, over 70 virtual sessions took place. The primary objective of the sessions was to seek feedback and advice on potential enhancements to a consultation draft of legislative text based on former [Private Member's Bill \(PMB\) C-262](#). The consultation draft included minor technical changes to former PMB C-262 for consideration.

Throughout the engagements, participants were invited to submit written feedback via a generic inbox managed by Justice Canada. While much of the feedback received included specific recommendations on the text of the consultation draft, participants also used the opportunity to share their views and recommendations on the development of an action plan. Over 50 written submissions with proposed recommendations on the consultation draft were received during the process. The majority of the submissions were from Indigenous peoples' organizations.

In general, there was strong support for the UN Declaration and the Government's intention and efforts to implement it in Canada. However, many involved in the engagements and discussions expressed concerns about the process, mainly with respect to the limited timeframe to review and provide meaningful comments on the consultation draft, as well as the desire for a more in-depth and inclusive process.

Despite these concerns, many sessions included rich and free-flowing discussions and participants provided extensive input on how to enhance the consultation draft. The recommendations included improved provisions in the preamble, such as references to inherent rights, the right to self-determination and self-government, and the importance of recognizing and respecting treaty rights. Many participants also recommended the inclusion of references to the National Inquiry into MMIWG and explicit references to youth, children, persons with disabilities, women and gender-diverse and Two-Spirit persons. Further, many participants expressed the importance of referencing the systemic discrimination and racism faced by Indigenous peoples, as well as sustainable development and climate change. Participants also provided input on the provision related to the production of annual reports on progress. The Government of Canada heard the importance of taking a distinctions-based approach to implementing the UN Declaration, including explicit references to the diversity of Indigenous peoples, as well as the identities, cultures, languages, customs, practices, rights and legal traditions of First Nations, Inuit and the Métis Nation. Many participants also emphasized the need to explore accountability, transparency and oversight measures as part of implementation.

Some participants expressed concerns that the consultation draft might limit or infringe the exercise of certain inherent rights. They also emphasized the need for adequate resources and capacity funding for Indigenous peoples to support the implementation of the legislation, once passed. The Government of Canada also heard views about the broad scope of the proposed legislation, the use of the UN Declaration in interpreting Canadian laws, and possible impacts on jurisdictional powers. The potential implications of free prior and informed consent, in the natural resource sector and beyond, were also a point of discussion.

The input received contributed significantly to Bill C-15, an enhanced Bill that remains firmly anchored in former PMB C-262 as its foundation. These enhancements include additional preamble text, including acknowledgement of inherent rights, gender diversity, the potential for implementation of the UN Declaration to contribute to supporting sustainable development, the importance of respecting treaties and agreements, and the need to take diversity across Indigenous peoples into account in implementing the legislation. Bill C-15 also includes, among other things, a purpose clause to express the key objectives of the legislation, the addition of certain definitions, as well as greater clarity with regard to the future content, development and tabling of the action plan and annual reports.

Introduction

On December 3, 2020, the Minister of Justice and Attorney General of Canada, with support from the Minister of Crown-Indigenous Relations, introduced [Bill C-15, An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples](#). Bill C-15 delivers on the Government of Canada's commitment to introduce legislation to implement the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) before the end of 2020. It also responds to the Truth and Reconciliation Commission's Calls to Action (CTA) 43 and 44 and to the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) Calls for Justice. Further, federal legislation to implement the UN Declaration is consistent with Article 38 of the Declaration itself, which calls on States to collaborate with Indigenous peoples on appropriate measures, including legislative measures, to achieve the objectives it sets out.

The UN Declaration is a comprehensive international human rights instrument on the rights of Indigenous peoples around the world and was developed through the direct participation of Indigenous peoples, organizations and experts. In 2016, the Government of Canada endorsed the UN Declaration without qualification and committed to its implementation. This commitment acknowledges that Indigenous rights are human rights, and that implementing the UN Declaration will serve to protect and uphold Indigenous rights.

Through 24 preambular paragraphs and 46 articles, the UN Declaration sets out a broad range of collective and individual rights that constitute the minimum standards to protect the rights of Indigenous peoples and to contribute to their survival, dignity and well-being. These include rights relating to:

- Self-determination and self-government
- Equality and non-discrimination
- Culture and language
- Identity and community
- Religion and spirituality
- Lands, territories and resources
- Environment
- Indigenous institutions and legal systems
- Health
- Education

The UN Declaration and its implementation in Canada are of core importance to all Indigenous peoples and Canada as a whole. The UN Declaration is a valuable tool for developing strategies and taking action to ensure Canadian laws and policies in Canada meet the minimum human rights standards affirmed in it. It is also used regularly by UN human rights bodies to assess Canada's human rights performance.

In 2016, Member of Parliament, Romeo Saganash, introduced Private Member's Bill (PMB) C-262, *An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples*, which was studied extensively and passed by the House of Commons. However, it was not passed by the Senate before the Parliamentary session concluded in June 2019. At that time, the Government of Canada committed to introducing similar legislation as a Government bill, building on the notable support for former PMB C-262, indicating that it would be the "floor" for future legislation.

As stated in the 2019 and 2020 Speeches from the Throne, the UN Declaration is key in advancing reconciliation in Canada. This reflects the Truth and Reconciliation Commission's CTA 43 and 44, which call for the implementation of the UN Declaration as the framework for reconciliation and the National Inquiry into MMIWG Calls for Justice.

While implementation of the UN Declaration will take time, existing Canadian laws already reflect many of the rights affirmed in the UN Declaration. For example, this includes section 35 of the *Constitution Act, 1982*, the equality rights provision in section 15 of the Charter, and the non-discrimination protections provided by the *Canadian Human Rights Act*, as well as specific legislation such as that relating to Indigenous languages, Indigenous child and family services, and Indigenous participation in environmental impact assessments. However, Indigenous peoples and UN human rights bodies have called on Canada to improve its performance and ensure greater compliance with the UN Declaration. In this regard, the Government of Canada believes that a federal legislative framework for implementing the UN Declaration would build upon and strengthen existing domestic recognition.

As the preamble and clause 4 of Bill C-15 affirm, Canadian laws should be interpreted in light of the UN Declaration. However, Bill C-15 also recognizes that fully aligning federal laws with the UN Declaration will, in some cases, require making amendments to federal laws or developing new laws and would be done in consultation and cooperation with Indigenous peoples, as stated in clause 5 of the Bill. Any amendments to existing laws or the development of new laws would proceed through the usual legislative process.

Bill C-15 provides a framework for this process to occur over time, through ongoing consultation and cooperation with Indigenous peoples. The Bill requires the development of an action plan and measures to ensure existing federal laws are consistent with the UN Declaration. It also requires the Government to consider the UN Declaration when developing new legislation and policies, or revising existing policies and amending legislation.

Consistent with what we learned throughout our engagement on the consultation draft, Bill C-15 is fundamentally about improving the lives of Indigenous peoples and protecting and promoting Indigenous rights as human rights, including rights to self-determination, self-government, equality and non-discrimination, as a basis for shaping an even stronger relationship with Indigenous peoples. It can also play an instrumental role in addressing systemic racism and discrimination and the impacts of colonization experienced by Indigenous peoples.

Engagement Process Overview

In December 2019, the Minister of Justice and Attorney General of Canada, with the support of the Minister of Crown-Indigenous Relations, was mandated by the Prime Minister to introduce co-developed legislation to implement the UN Declaration by the end of 2020. In June 2020, further direction was given to undertake engagement to develop legislation that builds upon PMB C-262. The September 23, 2020, Speech from the Throne reinforced the commitment to introduce legislation on the UN Declaration by the end of December 2020. To this end, the Assembly of First Nations, the Métis National Council and the Inuit Tapiriit Kanatami, and other Indigenous peoples' organizations provided technical input.

The purpose of the engagement process was to seek the views of Indigenous peoples on a proposed legislative framework to implement the UN Declaration in Canada. The information enclosed within represents a summary of the views, considerations and proposals raised during the course of the engagement sessions with Indigenous partners and groups. It is not intended to capture all comments raised nor does it attribute any of the views, considerations and proposals to particular individuals or organizations. In addition to the engagement process with Indigenous partners and groups, other discussions were held with industry sector stakeholders and with provinces and territories to share information and seek their views.

The COVID-19 pandemic required the Government to conduct its engagement sessions and discussions virtually. Building on the momentum and support from Indigenous peoples generated from the engagements on former PMB C-262 and its thorough study in the previous Parliament, a targeted engagement process was used to canvass a range of views from rights holders, Indigenous peoples' organizations, Indigenous women, Indigenous youth, 2SLGBTQQIA+ Indigenous persons and urban Indigenous people. In addition, the engagement process included discussions with the natural resource industry sector, and provinces and

territories. Discussions with provincial and territorial governments took place within the usual framework of confidentiality and details of these discussions are not covered in this report.

Many participants raised significant concerns with respect to the compressed engagement timeline, often voicing frustration and disappointment with the limited opportunity to review and provide feedback on the consultation draft prior to the Bill's introduction. In addition, some participants expressed concern around the breadth of organizations and groups involved in the process, indicating that it did not sufficiently reflect the views of all rights holders and Indigenous peoples. Further, some participants raised concerns regarding the lack of funding provided to Indigenous partners and groups to support their involvement in the engagement process.

At the same time, the majority of participants also acknowledged the urgency of Canada taking concrete measures to align its laws – as well as its consultation and engagement processes – with the UN Declaration and section 35 of the *Constitution*. While not a full answer to the process concerns raised, this is very much the work that Bill C-15, if adopted, would require the Government of Canada to do.

Consultation Draft

The consultation draft (Annex A) closely resembled PMB Bill C-262 and provided a starting point for engagement. The sessions focused on seeking potential enhancements to the consultation draft, which was based on former PMB C-262, with minor technical changes.

The consultation draft included a preamble, which set out facts, principles and other statements relevant to understanding the body of the legislation, followed by six proposed clauses:

- *Clause 1: Short Title* – stated the short title of the proposed bill – which is used for citation purposes, as the United Nations Declaration on the Rights of Indigenous Peoples Act.
- *Clause 2: Interpretation* – highlighted that the proposed bill respects section 35 of the *Constitution Act, 1982*. It also defined Indigenous peoples of Canada consistent with the definition of Aboriginal peoples of Canada set out in section 35 of the *Constitution Act, 1982*.
- *Clause 3: United Nations Declaration of the Rights of Indigenous Peoples* – affirmed the Declaration as a “universal international human rights instrument with application in Canadian law”, reiterating that the Declaration, like other international instruments, can be used as a tool by the courts to interpret Canadian laws.

- *Clause 4: Consistency* – directed the federal government to take all steps necessary to ensure federal laws are consistent with the Declaration. This clause set the stage for further collaboration with Indigenous peoples on issues such as self-determination, self-government, health, culture, economic inclusion and equality.
- *Clause 5: Action Plan* – required the Government to work with Indigenous peoples of Canada to develop and implement an action plan that outlines key priorities for achieving the objectives of the UN Declaration.
- *Clause 6: Report to Parliament* – required the Government to submit progress reports to Parliament on the implementation of the UN Declaration in Canada, including the status of aligning laws with the UN Declaration, and the development and implementation of the action plan.

Engagement

Virtual engagement sessions took place with First Nations, Inuit and Métis Nation leaders, Modern Treaty and self-governing partners, regional Indigenous organizations, Indigenous women’s organizations and Indigenous youth (Annex B). These sessions contributed to substantive additions to the final legislative draft, including references to systemic discrimination, review and recognition and respect for Treaty rights.

The process also included virtual discussions with natural resource industry sectors (Annex C) and with all provinces and territories. Some Indigenous governments and organizations also conducted engagement sessions that complemented Government-hosted sessions. In some cases, government officials were able to participate in such events to share information and benefit from hearing views of participants first hand. Further, engagement participants and provincial and territorial governments were invited to submit written feedback on the consultation draft. Between October and November 2020, over 50 written submissions were received, with the majority received from Indigenous peoples’ organizations.

The following provides a breakdown of the Government-hosted engagements and other discussions on the consultation draft. A total of 72 sessions were held.

- From June to November 2020, Justice Canada, with the support of Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), held a series of bilateral technical dialogues with the [Assembly of First Nations \(AFN\)](#), the [Métis National Council \(MNC\)](#) and the [Inuit Tapiriit Kanatami \(ITK\)](#) on the consultation draft of the legislation. In total, 33 virtual sessions were held.

- Between October to November 2020, Justice Canada, with the support of CIRNAC, hosted 28 virtual sessions with [other Indigenous partners, including a roundtable with Indigenous youth](#). In total, 462 individuals participated in the sessions. Generally, two sessions were held with each partner in order to provide participants with an opportunity to learn about the consultation draft and share their views on recommended enhancements to the proposed text. The sessions were organized and facilitated by the event management services of the Naut'sa mawt Tribal Council, working in close collaboration with Justice Canada and CIRNAC.

The sessions were undertaken with a wide cross section of Indigenous peoples and organizations, including Modern Treaty and self-governing First Nations, Congress of Aboriginal Peoples, regional sessions with rights holders, First Nations Leadership Council, and the Métis Nation of Ontario, Métis Nation Saskatchewan, Métis Nation of Alberta and Métis Nation British Columbia. Separate sessions were held with participants from [Indigenous women's organizations](#) representing the Native Women's Association of Canada, Les Femmes Michif Otipemisiwak/Women of the Métis Nation, Pauktuutit Inuit Women of Canada, Femmes Autochtones du Québec and the Ontario Native Women's Association.

As part of the engagements with Indigenous partners and groups, a roundtable with [Indigenous youth](#) was held with the specific objective of hearing youth voices and perspectives. The roundtable included youth from the Assembly of First Nations's youth council, the National Inuit Youth Council, youth representatives of the Métis National Council, youth associated with the Canadian Roots Exchange, and Indigenous students from law schools across Canada. A total of 46 Indigenous youth attended.

The Honourable David Lametti, Minister of Justice and Attorney General of Canada, and the Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations, participated, as well as other elected and senior government officials, including the Deputy Minister of Justice Canada and the Deputy Minister of Crown-Indigenous Relations and Northern Affairs Canada. Setting the stage for the discussion, opening remarks were provided by Dr. Chief Wilton Littlechild, Legal Counsel to the Assembly of First Nations, honorary chief of the Maskwacis Crees and former Regional Chief of Treaty 6, 7 and 8, Assembly of First Nations Chief of Alberta and former Commissioner on the Truth and Reconciliation Commission, and Dr. Marie Wilson, former Commissioner on the Truth and Reconciliation Commission. The key themes addressed during the session included: understanding the UN Declaration; discussion on the consultation draft; public education and youth engagement; the UN Declaration and my community; and the UN Declaration through a gender and diversity lens.

- Discussions also took place with the MMIWG Sub-Working Group on 2SLGBTQQIA+ and the Urban Sub-Working Group. Both Sub-Working Groups support the work of the MMIWG National Action Plan Core Working Group, which is responsible for co-developing the National Action Plan to address the systemic inequalities that contribute to the disproportionate levels of violence faced by Indigenous women and girls.
- Moreover, from October to November 2020, Natural Resources Canada, with the support of Justice Canada and CIRNAC, held four industry roundtables with the following sectors: [minerals & metals, clean energy, forestry, and Petroleum sectors](#).
- Over the course of the engagement process, five meetings took place, involving Federal-Provincial-Territorial (FPT) representatives with responsibility for Indigenous relations, Justice and Inter-governmental affairs. Meetings were held at the Assistant Deputy Ministers' level (one preparatory meeting), the Deputy Ministers' level (two meetings, one of which included Indigenous experts), and the Ministerial level (two meetings, one of which included Indigenous Leaders). During the Ministers' meeting with Indigenous Leaders, Leaders shared their perspectives on the history of the UN Declaration and on the potential role of the proposed legislation as a roadmap to reconciliation.

These discussions took place within a framework of confidentiality, and served as an opportunity to seek clarity on the consultation draft, hear concerns, and raise important questions and issues for discussion. Government of Canada officials responded to questions and concerns raised, and clarified the intention behind certain elements of the consultation draft.¹

What We Learned – Engagement with Indigenous Partners

Generally, there was strong support for the UN Declaration and efforts to implement it in Canada. Many groups were pleased to see Canada commit to legislation as a cornerstone and roadmap for continued collaboration with Indigenous peoples and improving human rights performance. Engagement participants acknowledged how the proposed legislation could foster harmonious and cooperative relations and contribute to reconciliation in Canada.

¹ Some provinces and territories were subject to the caretaker convention due to general provincial elections during the Fall 2020 FPT discussions and participated in the meetings in observer status only.

Many First Nations, Métis Nation and Inuit participants highlighted the UN Declaration's role and potential to better Canada through advancements in sustainable development, addressing climate change and fighting discrimination, including systemic discrimination and racism faced by Indigenous elders, youth, children, persons with disabilities, women, men and gender-diverse and Two-Spirit persons. However, as highlighted previously, participants also raised significant concerns with respect to the compressed engagement timeline and the limited opportunity to review and provide feedback on the consultation draft, prior to the Bill's introduction.

Summary of Comments

Theme 1 – Recognizing Indigenous rights and adopting a distinctions-based approach

Theme 2 – Strengthened and inclusive language

Theme 3 – Implementation and development of an action plan

Theme 4 – Consistency between federal laws and the UN Declaration

Theme 5 – Clarity around free, prior and informed consent

Theme 6 – Government of Canada accountability and dispute resolution mechanism

Theme 1 – Recognizing Indigenous rights and adopting a distinctions-based approach

Many participants highlighted the importance of acknowledging the diversity of Indigenous peoples – First Nations, Inuit and the Métis Nation – and the need for the legislation to adopt a distinctions-based approach to implementation and to consider their distinct languages, cultures, customs, practices, rights, legal traditions and other differences throughout its implementation. This input was consistently heard from the Assembly of First Nations, the Métis National Council and the Inuit Tapiriit Kanatami, as well as many other national and regional groups from which we heard. A few participants outlined the need for their sovereignty to be reflected in the legislation—not only their diversity. Some proposed the language in British Columbia's *Declaration on the Rights of Indigenous Peoples Act*, relating to the diversity of Indigenous peoples, be adopted.

Several participants raised questions about how the definition of Indigenous peoples would align with “*Aboriginal peoples of Canada*” as set out in section 35 of the *Constitution Act, 1982*. Some also requested that reference be included to residency and geography to better reflect the realities of urban Indigenous peoples, relative to those on reserve or in rural and remote communities, as well as the realities of Indigenous peoples whose traditional territories straddle the Canada-US border.

A number of participants, particularly from First Nations, raised the importance of respecting and promoting the rights affirmed in treaties, as was the need to ensure the legislation is not applied in a manner that compromises Indigenous rights recognized and affirmed in section 35 of *Constitution Act, 1982*. To this end, some concerns were expressed that legislation would somehow undermine Treaty rights and relationships. Further, some participants suggested the inclusion of provisions that highlight the importance of honouring and protecting Indigenous peoples' rights and requested clearer language that would enable the Government of Canada to enter into agreements or constructive arrangements with Indigenous governing bodies to advance and facilitate implementation of the UN Declaration.

Further, many participants called for a preamble that acknowledges both collective and individual human rights, and also clearly reflects the inherent rights of Indigenous peoples, including the right of self-determination and self-government, derived from their political, economic and social structures as well as their cultures, language, histories, traditions, right to land, resources and territories and other characteristics. During the roundtable with Indigenous youth, participants proposed including a definition of self-determination in the legislation.

While many felt that the proposed legislation could enhance and reinforce inherent rights, some participants expressed concerns that it could limit or minimize the exercise of certain inherent rights. Some also raised concerns in relation to Article 46 of the UN Declaration as a potential barrier, given the perceived power it gives to states to limit the exercise of rights outlined in the UN Declaration.

One regional group suggested the creation of a "knowledge committee" to provide guidance and advise on what inherent and treaty rights really means to help ensure the proposed legislation does not diminish rights.

Theme 2 – Strengthened and inclusive language

Indigenous peoples' organizations called for strengthened language throughout the preamble and consultation draft generally, suggesting that some of the language was vague and ambiguous. There was a call to clarify the purpose of the proposed legislation and its scope, application and interaction with other federal laws. Some requested clearer language regarding the role that the UN Declaration would play in interpreting Canadian laws, in particular the *Constitution*. Others suggested the proposed legislation should clearly reflect that the legislation would not have direct legal effect but rather affirm the rights set forth within and to continue being used as a source by the courts, lawmakers and policy practitioners to interpret provincial and federal laws.

We also heard numerous calls for the use of more inclusive language in the preamble from First Nations, Inuit and the Métis Nation throughout the proposed legislation, including the addition of explicit references to women, girls, gender-diverse and 2SLGBTQQIA+ individuals and elders. Indigenous youth participants also felt strongly about inserting more inclusive language that reflects gender and sexual diversity, noting the absence of such language in Article 22 of the UN Declaration, which fails to explicitly mention transgender and Two-Spirited individuals, for example.

There was repeated emphasis on the need to include reference to the National Inquiry into MMIWG's Final Report's Calls for Justice, as well as reference to the Truth and Reconciliation Commission's CTAs. Some participants proposed clearly highlighting the difficulties experienced by marginalized groups and the discrimination that Indigenous women and girls have long endured. Further, many called for explicit references to the historic and ongoing injustices suffered by Indigenous peoples, stemming from colonization and dispossession from their lands, territories and resources.

Many also called for strengthening the preamble by addressing the impacts of climate change on Indigenous peoples and their role in contributing to sustainable development, including references to the United Nation's *Transforming our World: 2030 Agenda for Sustainable Development* as the most significant international instrument in their view.

Participants strongly emphasized the importance of engaging with and seeking the views of Indigenous women, girls, gender-diverse and 2SLGBTQQIA+ individuals, persons with disabilities and elders on all matters affecting Indigenous peoples, and their central role in contributing to the implementation of the legislation.

Theme 3 – Implementation and development of an action plan

The need for a coordinated approach across all levels of government for the UN Declaration's implementation was raised regularly throughout the engagements. Several suggestions for changes were received, including additional details on implementation and a more robust provision on the development of an action plan, including defining its process, objectives and identifying a non-exhaustive list of matters that would be addressed. We also heard the importance of developing an action plan that adopts a distinctions-based approach and is developed through a gendered lens that examines the experiences of women, girls, and 2SLGBTQQIA+ people.

Participants suggested that the proposed legislation should clearly reflect that implementation of the UN Declaration in Canada should include measures to address social inequities, prejudice, and anti-Indigenous racism and all forms of discrimination against Indigenous peoples, including systemic discrimination and discrimination impacting women, men, youth, elders, persons with disabilities and gender-diverse persons and Two-Spirited persons. Several participants suggested establishing and including in the proposed legislation reasonable timelines for the action plan's development and for periodic updates of the action plan to Parliament.

Many participants noted that the action plan would provide an opportunity to identify and address the gaps in education, employment, housing, food security, health care, child welfare and safety—all of which contribute to the inequalities Indigenous people face, especially among Indigenous women. Participants also provided feedback with respect to implementing measures that support the maintenance of Indigenous culture and language. Moreover, the Government heard from some that the action plan could provide an opportunity to develop a shared understanding of free, prior and informed consent.

Participants stressed the importance of developing the action plan in consultation and cooperation with Indigenous peoples across Canada to ensure it reflects their unique rights and needs, and to adopt strategies that could help facilitate meaningful engagement in this regard. Some identified the need to clearly indicate that the action plan would be co-developed with Indigenous peoples, and to adopt a set of key principles, in conjunction with Indigenous peoples, to help guide its development. Some Indigenous youth expressed the importance of applying a Gender-Based Analysis Plus and intersectional lens throughout engagement on implementation to account for the diversity of Indigenous communities (e.g., on reserve, off reserve, urban, remote communities).

With respect to the implementation and development of the action plan, some participants expressed capacity concerns such as the availability of funding and resources to support implementation and facilitate meaningful and accessible engagement (especially in a global pandemic context) that empowers the participation of smaller Nations and communities. Some also expressed concerns around the implementation of the UN Declaration in Canadian law generally and questioned whether it would actually help Canada achieve the objectives of the Truth and Reconciliation Commission's CTAs.

Federal officials heard the importance of the Government of Canada working collaboratively with provincial and territorial governments to implement the UN Declaration, with some participants calling for proposed language that clearly indicates that a whole-of-government approach is required.

Similarly, several participants expressed concerns around the implications of the proposed legislation on provinces and territories and questioned how the Government of Canada would encourage them to effectively implement the legislation in their jurisdiction. Participants called for the Government to take an active leadership role in this regard (i.e., to compel provinces and territories to implement the UN Declaration through the legislation). Various participants, notably those from BC, also called for clarity that the proposed federal legislation and action plan would not impede or delay provincial efforts to implement UN Declaration. Some pointed to the value of building from the lessons learned from BC's experience with implementation. Indigenous youth also highlighted the vital role that the education system could play in raising awareness of the UN Declaration, the Truth and Reconciliation Commission's CTAs as well as the National Inquiry into MMIWG Calls for Justice. They further emphasized the importance of accessible and plain-language educational materials to inform Canadians of different backgrounds about the Declaration itself, acknowledging its importance to all Canadians—not only Indigenous peoples.

Theme 4 – Consistency between federal laws and the UN Declaration

Many supported including a consistency clause, and acknowledged it as a necessary component in to order to implement the UN Declaration. Clause 4 of the consultation draft required the Government to work in consultation and cooperation with Indigenous peoples to ensure federal laws are consistent with the UN Declaration, but some were critical about the lack of detail. Participants expressed the importance of improving the language and the need to define and communicate the process that would be undertaken to align federal laws with the UN Declaration. Some participants recommended broadening the scope to include all policies and administrative measures—not just federal laws—and emphasized the importance of transparency throughout the process and setting a timeframe to implement the commitment.

Participants generally acknowledged that undertaking such a commitment would involve all federal ministers and departments, and that a solid procedure would be required for its successful execution. They called for a coordinated and well-articulated whole-of-government approach, undertaken in consultation and cooperation with Indigenous peoples. Some participants highlighted laws or policies that they believed require review, including CIRNAC's [Inherent Rights Policy, 1996](#), the [Department of Justice Act](#), the [Indian Act](#) and the [Interpretation Act](#).

A few groups recommended additional wording to clause 4 of the consultation draft in order to give power to the courts to strike down federal laws that are found to be inconsistent with the UN Declaration, or to clearly indicate that the UN Declaration would prevail in the event of inconsistency.

Theme 5 – Clarity around free, prior and informed consent

A number of participants wanted to further examine the meaning and application of free, prior and informed consent and how this would be interpreted in the Canadian context, including in relation to land and natural resource development and other matters affecting Indigenous peoples and their rights. Participants repeatedly noted that free, prior and informed consent was about respectful and effective processes for achieving consensus. Some suggested consideration of provisions to facilitate its implementation, including the idea of provisions for the development of agreements and arrangements.

Throughout the engagements, participants called for clarity around the issue of free, prior and informed consent and the need to establish a shared understanding with Indigenous peoples of how it would be implemented. Participants also noted the importance of continuing discussions to achieve a process that supports Indigenous rights and to identify opportunities in the development of the action plan. Some also called for the development of tools to support the requirement's consistent implementation. A few groups suggested the Government of Canada consider the approach taken in British Columbia's legislation (*Declaration on the Rights of Indigenous Peoples Act*), which is based on government entering into agreements with Indigenous governing bodies with respect to joint decision-making.

In the context of land and natural resource development, we also heard from a few participants that the Government of Canada should explore opportunities to share tax revenues generated from these projects with Indigenous governments, for example, by developing a national revenue sharing policy.

Theme 6 – Government of Canada accountability and dispute resolution mechanism

A common theme throughout the engagement process across First Nations, Inuit and Métis Nation participants was to include language that would ensure greater accountability for Canada's commitment to implementation of the UN Declaration. Many participants felt that stronger language was needed to hold the Government of Canada accountable to fulfilling its commitments. In this vein, participants proposed specific timelines be included for the Government to align federal laws with the UN Declaration, create the action plan, and for the development and submission of annual reports to Parliament that would measure progress on implementation.

The consultation draft provided a 20-year timeframe with respect to the reporting period for annual reports to Parliament; however, the majority of participants, including youth during the virtual roundtable, indicated that such a requirement should not be limited by a specific timeframe. Participants expressed concern over a future government that is not supportive of the process once the timeframe has passed, and indicated that annual reporting on progress should continue indefinitely, or until a mutual agreement between Canada and Indigenous peoples has been reached that such reporting is no longer required.

Some participants expressed the need for a robust reporting process and recommended that annual reporting be led by an independent ombudsperson or similar independent entity, or by a standing committee on the UN Declaration to the House of Commons, in order to ensure its accuracy.

Almost all participants that shared views with respect to annual reports also indicated the importance of developing them in consultation and cooperation with Indigenous peoples, and that the process take place in a transparent manner. To help measure progress, it was suggested that communities should decide and define “clear measurable indicators” that can be assessed to determine the impact that implementation is having on the socio-economic realities faced by Indigenous peoples.

Many participants also questioned the lack of a dispute resolution mechanism and oversight and enforcement measures in the consultation draft, and called for the immediate establishment of a recourse, remedy or other oversight mechanism. This point was strongly emphasized by Inuit, but similar concerns were shared by many. In their view, a lack of such a mechanism or oversight could diminish the importance of implementing the UN Declaration and potentially negatively affect cooperation with Indigenous peoples, as the Government of Canada would be accountable only to itself. A few participants proposed the establishment of a dispute resolution mechanism outside of Canada, while others indicated that an independent and joint Crown-Indigenous body be created as an alternative to the traditional court system to facilitate access to justice in a timely manner.

Discussions with Industry Sectors

Summary of Comments

Theme 1 – The process for harmonizing federal laws and policies with the UN Declaration

Theme 2 – Understanding free, prior and informed consent

Theme 3 – Process for developing and implementing the action plan

Theme 4 – Role of provinces and territories

As a collaborative effort, Natural Resources Canada (NRCan), with support from Justice Canada and CIRNAC, hosted four natural resources industry roundtable sessions to share information on the proposed legislation and to better understand and reflect their perspectives. These sector-specific sessions brought together representatives from the Assembly of First Nations, Inuit Tapiriit Kanatami and the Métis National Council, industry representatives from the minerals and metals, clean energy, forest, and petroleum sectors, and government officials from various departments including the Impact Assessment Agency (IAA).

At each roundtable, the different sectors brought a unique perspective and contributed to the dialogue on how the Declaration can be used as a framework for reconciliation that builds upon the experiences and existing relationships between industry and Indigenous peoples across the natural resources sectors.

Theme 1 –The process for harmonizing federal laws and policies with the UN Declaration

Industry representatives sought clarity on the timeline for implementing the UN Declaration and the harmonization of existing federal laws and policies. Representatives were concerned that legislation would have an immediate effect on existing laws and regulations that impact their operations upon receiving Royal Assent.

Theme 2 – Understanding free, prior and informed consent

During these discussions, participants discussed how free, prior and informed consent is a fundamental safeguard for the collective rights of Indigenous peoples. It is an aspect of Indigenous peoples' right to self-determination, which is central to the UN Declaration.

Free, prior and informed consent is commonly discussed in the natural resource development context and was inevitably a discussion point of significant interest across all roundtables.

When discussing project approvals, participants shared that free, prior and informed consent is often mischaracterized by some as a veto over decisions by non-Indigenous governments. This mischaracterization could potentially pose a risk to a potential investment in the natural resource sector, if such a characterization were accurate. During roundtables, participants discussed the interpretation of free, prior and informed

consent, and acknowledged that it is not an absolute veto; rather the path to securing it is through partnerships and building meaningful relationships with Indigenous peoples.

Industry expressed the desire for clarity in the difference between free, prior and informed consent and the constitutional duty to consult and, where appropriate, accommodate. They also sought guidance around the operationalization of consent, such as from whom it should be sought (e.g., hereditary and elected leadership), and what happens when not all of the Indigenous peoples being consulted provide consent. In addition, some industry participants raised concerns of future judicial reviews and the potential for Indigenous peoples to use the legislation and free, prior and informed consent to challenge major project approvals.

National Representatives of the Indigenous Peoples and Nations in Canada underscored to industry that the requirement is a means for the realization of the right to self-determination and more broadly represents the spirit of partnership and mutual respect called for in the UN Declaration.

Many industry representatives understood the contextual nature of free, prior and informed consent and that its implementation can take many forms, as it already has in various examples across the sectors. The majority of participants generally agreed that the operationalization of the requirement, or aspects thereof, could be included as part of the action plan to be developed as part of the legislation.

Theme 3 – Process for developing and implementing the action plan

In each roundtable session, industry representatives expressed interest in being part of future discussions involving the creation of the action plan, with some citing recent experience in developing internal policies to align with the UN Declaration's objectives. National Representatives of the Indigenous Peoples and Nations reiterated that the action plan should prioritize and be led by Indigenous peoples, and that implementing the UN Declaration extends beyond natural resources. Indigenous businesses and industry associations that participated in the discussions expressed an interest in playing a key role in this space as the Government of Canada explores new and innovative ways to implement the UN Declaration.

Participants raised that in conjunction with the legislation, capacity funding should be provided to Indigenous peoples to ensure their meaningful participation in developing the action plan. They also reiterated that engaging voices from across the country would be critical. Further, participants raised concerns surrounding the current capacity of the federal Government and Indigenous governments, as well as Indigenous communities and organizations, in order to effectively participate in engagement and consultation in the area of natural

resource development, including as the UN Declaration is implemented. Industry flagged that the Government should increase staffing capacity and knowledge of the UN Declaration to facilitate its implementation on the ground. The action plan should also consider providing capacity funding for Indigenous proponents of major projects to engage in the consultation and engagement processes. National Representatives of the Indigenous Peoples and Nations echoed comments made by industry, reiterating the importance of capacity funding for many communities who often face consultation fatigue.

Theme 4 – Role of provinces and territories

A common question raised by industry in all of the sessions was how the proposed federal legislation would interact with existing provincial and territorial jurisdictions, as well as consider the *Natural Resources Transfer Act* (NRTA). Participants also raised concerns about a fragmented approach to implementing the UN Declaration as varying legislation and policies are created across the country. For example, in 2019, British Columbia became the first province to pass legislation (*Declaration on the Rights of Indigenous Peoples Act*) to implement the objectives of the UN Declaration and the province is still in the process of developing its own action plan.

Other Comments

Participants representing various industries raised specific concerns as well. For example, the discussion at the clean energy roundtable focused more on systemic barriers for Indigenous participation and how varying policies for the sector between provinces and territories could result in the inconsistent application of the UN Declaration and free, prior and informed consent. The forestry roundtable highlighted how the sector has been a trailblazer when it comes to long-term relationships with Indigenous communities and joint management. Given how the forestry sector is regulated by provinces and territories, participants wanted to know how federal legislation would impact those jurisdictions.

Conclusion

The engagement process on the consultation draft was vital in the development of Bill C-15. The Government of Canada introduced [Bill C-15](#) – an enhanced version of PMB C-262 – on December 3, 2020, reflecting a significant contribution of Indigenous peoples to the final draft Bill. While there is much to be done, the introduction of Bill C-15 represents an important step in the shared journey of reconciliation and is one that would not have been possible without the frank dialogue and input received throughout the engagements. Since the introduction of Bill C-15, the Government of Canada continues to receive feedback, which will continue to be reviewed and considered.

During engagement sessions, participants offered a diversity of perspectives and recommendations that helped shape the development of Bill C-15. As outlined on the [UN Declaration website](#) launched on introduction of Bill C-15, these enhancements include:

- new language in the preamble that highlights the positive contributions the Declaration can make to reconciliation, healing and peace, as well as harmonious and cooperative relations in Canada; recognizes the inherent rights of Indigenous peoples; reflects the importance of respecting treaties, agreements and constructive arrangements; highlights the connection between the Declaration and sustainable development; and emphasizes the need to take diversity of Indigenous peoples into account in implementing the legislation;
- a purpose clause to address application of the Declaration in Canadian law and to affirm the legislation as a framework for federal implementation of the Declaration; and
- more clear and robust provisions on the process for developing and tabling the action plan and annual reports.

The implementation of the UN Declaration in Canada is a process that will take time. As this engagement process reminded us, one of the key challenges we continue to face – and that this proposed legislation is intended to help address – is the need for effective mechanisms through which the Government and Indigenous peoples can work cooperatively to develop legislation. The Government of Canada is committed to building on this engagement process to improve in this area. Working together to progress on reconciliation to implement the UN Declaration will help us all build a brighter future and a better Canada for current and future generations.

Annex A – Consultation Draft

Consultation Draft — Legislative Proposal Regarding the United Nations Declaration on the Rights of Indigenous Peoples

Preamble

Whereas the Parliament of Canada recognizes that the principles set out in the United Nations Declaration on the Rights of Indigenous Peoples should be enshrined in the laws of Canada;

Whereas, in the outcome document of the high-level plenary meeting of the General Assembly of the United Nations known as the World Conference on Indigenous Peoples, Canada and other States reaffirm their solemn commitment to respect, promote and advance the rights of Indigenous peoples and to uphold the principles of the United Nations Declaration on the Rights of Indigenous Peoples;

Whereas, in its document entitled *Calls to Action*, the Truth and Reconciliation Commission of Canada calls upon the federal government and other governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation;

Whereas Indigenous peoples have suffered historic injustices as a result of, among other things, their colonization and dispossession from their lands, territories and resources;

Whereas all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust;

Whereas, in regard to Indigenous peoples, it is important for Canada to reject colonialism and engage in a contemporary approach based on good faith and on principles of justice, democracy, equality, non-discrimination, good governance and respect for human rights;

Whereas Canada is committed to taking appropriate measures — including legislative, policy and administrative measures — at the national and international level, in consultation and cooperation with Indigenous peoples, to achieve the ends of the United Nations Declaration on the Rights of Indigenous Peoples and to follow up on its effectiveness;

Whereas the protection of existing Aboriginal and treaty rights is an underlying principle and value of the Constitution of Canada;

And whereas human rights, the rule of law and democracy are underlying principles of the Constitution of Canada which are interlinked and mutually reinforcing;

Now, therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Short Title

Short title

1 This Act may be cited as the *United Nations Declaration on the Rights of Indigenous Peoples Act*.

Interpretation

Definition Of Indigenous peoples of Canada

2 (1) In this Act, *Indigenous peoples of Canada* has the meaning assigned by the definition *aboriginal peoples of Canada* in subsection 35(2) of the *Constitution Act, 1982*.

Rights of Indigenous peoples of Canada

(2) This Act is to be construed as upholding the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the *Constitution Act, 1982*, and not as abrogating or derogating from them.

Clarification

(3) Nothing in this Act is to be construed as delaying the application of the United Nations Declaration on the Rights of Indigenous Peoples in Canadian law.

United Nations Declaration on the Rights of Indigenous Peoples

United Nations Declaration on the Rights of Indigenous Peoples

3 The United Nations Declaration on the Rights of Indigenous Peoples that was adopted by the General Assembly of the United Nations as General Assembly Resolution 61/295 on September 13, 2007, and that is set out in the schedule, is hereby affirmed as a universal international human rights instrument with application in Canadian law.

Consistency

4 The Government of Canada, in consultation and cooperation with the Indigenous peoples of Canada, must take all measures necessary to ensure that the laws of Canada are consistent with the United Nations Declaration on the Rights of Indigenous Peoples.

National action plan

5 The Government of Canada must, in consultation and cooperation with the Indigenous peoples of Canada, develop and implement a national action plan to achieve the objectives of the United Nations Declaration on the Rights of Indigenous Peoples.

Report to Parliament

Annual report to Parliament

6 During the 20-year period that begins on the day on which this Act comes into force, the Minister of Crown-Indigenous Relations must cause to be tabled in each House of Parliament, within 60 days after the end of each fiscal year — or, if the House is not then sitting, on any of the first 15 days of the next sitting of the House — a report on the implementation of the measures referred to in section 4 and the plan referred to in section 5 for that fiscal year.

SCHEDULE

(Section 3)

United Nations Declaration on the Rights of Indigenous Peoples

Resolution adopted by the General Assembly

[without reference to a Main Committee (A/61/L.67 and Add.1)]

61/295. United Nations Declaration on the Rights of Indigenous Peoples

The General Assembly,

Taking note of the recommendation of the Human Rights Council contained in its resolution 1/2 of 29 June 2006,¹ by which the Council adopted the text of the United Nations Declaration on the Rights of Indigenous Peoples,

Recalling its resolution 61/178 of 20 December 2006, by which it decided to defer consideration of and action on the Declaration to allow time for further consultations thereon, and also decided to conclude its consideration before the end of the sixty-first session of the General Assembly,

Adopts the United Nations Declaration on the Rights of Indigenous Peoples as contained in the annex to the present resolution.

107th plenary meeting

13 September 2007

¹ See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53 (A/61/53)*, part one, chap. II, sect. A.

Annex

United Nations Declaration on the Rights of Indigenous Peoples

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and good faith in the fulfilment of the obligations assumed by States in accordance with the Charter,

Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

Affirming also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

Reaffirming that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

Recognizing also the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur,

Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

Recognizing that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

Emphasizing the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,

Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

Considering that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

Considering also that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

Acknowledging that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights² and the International Covenant on Civil and Political Rights,² as well as the Vienna Declaration and Programme of Action,³ affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Bearing in mind that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law,

Convinced that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

Encouraging States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

Emphasizing that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,

Believing that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

Recognizing and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

Recognizing that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,

Solemnly proclaims the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect:

² See resolution 2200 A (XXI), annex.

³ A/CONF.157/24 (Part I), chap. III.

Article 1

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights⁴ and international human rights law.

⁴ Resolution 217 A (III).

Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 5

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 6

Every indigenous individual has the right to a nationality.

Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
 - (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
 - (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - (d) Any form of forced assimilation or integration;
 - (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

Article 9

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 11

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12

1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

Article 15

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.
2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

Article 16

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of nonindigenous media without discrimination.
2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

Article 17

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.
2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.
3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, *inter alia*, employment or salary.

Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, *inter alia*, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 22

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively

the full realization of this right.

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

Article 30

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.
2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.
2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Article 33

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.
2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

Article 34

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

Article 35

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

Article 36

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.
2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

Article 37

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.
2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

Article 38

States, in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

Article 39

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

Article 40

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

Article 41

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

Article 42

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

Article 43

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 44

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

Article 45

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

Article 46

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.
2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.
3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

Annex B – List of Participating Indigenous Partners/Groups

National Engagement

National Representatives of the Indigenous Peoples and Nations

Assembly of First Nations	Métis National Council	Inuit Tapiriit Kanatami
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Modern Treaty Holders & Self-Governing First Nations

Grand Council of the Crees	Ka:'yu:'k't'h'/Chek'tles7et'h' First Nation	Nisga'a Lisims First Nation
Tsawwassen First Nation	Westbank First Nation	First Nation of Na-Cho Nyak Dun
Ta'an Kwäch'än Council	Kluane First Nation	Tagish First Nation
Gwich'in Tribal Council	Sioux Valley Dakota Nation	Sahtu Dene
Tsleil-Waututh Nation	Deline	Uchucklesaht Tribe
Tla'amin First Nation	Ucluelet First Nation	

Métis Nation (Métis National Council)

Métis Nation of Alberta	Métis Nation of Ontario	Métis Nation - Saskatchewan
Métis Nation British Columbia		

Congress of Aboriginal Peoples

Aboriginal Congress of Alberta Association	Native Council of Nova Scotia	Indigenous Peoples Alliance of Manitoba
North West Indigenous Council	Native Council of Prince Edward Island	National Youth Representative
Native Alliance of Quebec	Ontario Coalition of Indigenous Peoples	New Brunswick Aboriginal Peoples Council
National Elder Representative	Association of Métis and Non-Status Indians of Saskatchewan	Nunatukavut

Indigenous Women's Organizations

Les Femmes Michif Otipemisiwak/Women of the Métis Nation	Native Women's Association of Canada	Pauktuutit Inuit Women of Canada
Femmes autochtones du Québec or Québec Native Women	Ontario Native Women's Association	New Dawn Métis Women's Society of Alberta

Indigenous Youth Organizations

Assembly of First Nations National Youth Council	Youth representatives of the Métis National Council	National Inuit Youth Council
Canadian Roots Exchange	Indigenous University students	

Regional Engagement

Alberta Region

Blood Tribe	Bearspaw First Nation	Confederacy of Treaty Six First Nations
Treaty 8 First Nations	Tsuut'ina Nation	Siksika First Nation
Maskwacis Cree First Nation	Alexander First Nation	Mikisew Cree First Nation

British Columbia Region

T̄silhqot'in National Government, T̄silhqot'in Nation and T̄silhqot'in communities of T̄silideldel and Tl'esqox.	First Nations Leadership Council, consisting of the BC Assembly of First Nations, First Nations Summit, and the Union of BC Indian Chiefs
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Manitoba Region

Manitoba Keewatinowi Okimakanak Inc.	Hollow Water First Nation	Keeseekoowenin Ojibway First Nation
Southern Chiefs' Organization Inc.	Sagkeeng First Nation	Northern Manitoba Chiefs
Peguis First Nation	Black River First Nation	Lake Manitoba First Nation
Kinonjeoshtegon First Nation		

Atlantic Region

Kwilmu'kw Maw-klusuaqn or the Mi'kmaq Rights Initiative	Mi'gmawe'l Tplu'taqnn Inc.	Elsipogtog First Nation
L'nuey	Passamaquoddy First Nation	Atlantic First Nation Chiefs
Madawaska Maliseet First Nation	Eskasoni Mi'kmaq	

Ontario Region

Sioux Lookout	Niisaachewan Anishinaabe Nation	Washagamis Bay First Nation
Matawa First Nations	Beaverhouse First Nation	Biigtiggong Nishnaabeg
Taykwa Tagamou Nation	Algonquins of Pikwakanagan First Nation	Lake Nipigon Ojibway First Nation
Mohawks of the Bay of Quinte	Curve Lake First Nation	Munsee-Delaware Nation

Quebec Region

Assemblée des Premières Nations Québec-Labrador	Mohawks of Kanesatake	Mohawks of Kahnawà:ke
Kebaowek First Nation	Gespeg	Huron-Wendat Nation
Tshakapesh	PAbitibiwinni First Nation (Pikogan)	Akwesasne
Ekuanitshit	Pessamit	First Nations Education Council
First Nations Human Resources Development Commission of Quebec		

Saskatchewan Region

Federation of Sovereign Indigenous Nations	Zagime Anishinabek	Cowessess First Nation
Treaty 6	Ochapowace Nation	Office of the Treaty Commissioner
Whitecap Dakota First Nation	Prince Albert Grand Council	Treaty 4 Crown Relations Office
Treaty 10 Office	White Bear First Nation	Pasqua First Nation

Red Earth First Nation (Treaty 5)	Saskatchewan First Nation Natural Resource Centre of Excellence	File Hills Qu'Appelle Tribal Council
Yorkton Tribal Council	Battlefords Agency Tribal Chiefs Inc.	

Inuit Regional Treaty Groups

Makivik Corporation	Nunavut Tunngavik Incorporated	Nunatsiavut Government
Inuvialuit Regional Corporation		

Annex C – List of Participating Industry Sectors

Minerals and Metals

Agnico Eagle	Association for Mineral Exploration British Columbia	Cameco Corporation
Des Nedhe Group	First Nations Major Project Coalition	Glencore
HudBay	IAMGOLD	Mining Association of British Columbia
Mining Association of Canada	New Gold	Newmont
Nutrien	Northwest Territories & Nunavut Chamber of Mines	Prospectors & Developers Association of Canada
Rio Tinto Alcan	Saskatchewan First Nations Natural Resource Centre of Excellence	Saskatchewan Mining Association
Suncor Energy	Syncrude Canada Ltd.	Teck Resources Limited
Yukon Mineral Development Strategy Panel		

Clean Energy

ATCO	BC Hydro	Canadian Electricity Association
Canadian Nuclear Laboratories	Canadian Renewable Energy Association	Earncliffe
First Nations Power Authority	Hydro Quebec	Independent Electricity System Operator
Indigenous Clean Energy Enterprise	Innergex	Inuvialuit Regional Corporation
Manitoba Hydro	Nalcor Energy	NB Power
Northwest Territories Power Corporation	NRStor	Nuclear Waste Management Organization
Ontario Power Generation	Preferred Choice	Saskatchewan First Nations Natural Resource Centre of Excellence
SaskPower	TransAlta Corporation	TUGLIQ Energy
WaterPower Canada		

Forestry

British Columbia Council of Forest Industries	British Columbia First Nations Forestry Council	Canadian Association of Forest Owners
Confederacy of Mainland Mi'kmaq	CSA Group	Forest Products Association of Canada
Forest Stewardship Council Canada	FPIInnovations	Gitxan Development Corporation
Institut de développement durables des Premières Nations du Québec et du Labrador	National Aboriginal Forestry Association	Saskatchewan First Nations Natural Resource Centre of Excellence
Tree Canada		

Petroleum

BHP	Business Council of Alberta	Canadian Association of Oilwell Drilling Contractors
Canadian Energy Pipeline Association	Canadian Fuels Association	Canadian Gas Association
Canadian Natural Resources Ltd.	Canadian Association of Petroleum Producers	Cenovus Energy
Enbridge	Esso	Gazoduc
Husky Energy	Imperial Oil	InterPipeline
LNG Canada	Newfoundland and Labrador Department of Industry, Energy and Technology	Nova Scotia Department of Energy and Mines
Ovintiv	Pembina Pipeline Corporation	Petroleum Services Association of Canada
Saskatchewan First Nations Natural Resource Centre of Excellence	Shell Canada	TC Energy
TransMountain		