

## BC'S IMPLEMENTATION OF DRIPA

### Opening Statement

The provincial government passed Declaration on the Rights of Indigenous Peoples Act<sup>1</sup> (DRIPA) legislation in November 2019 to implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The purposes of the act are as follows:

- a) to affirm the application of the Declaration to the laws of British Columbia;
- b) to contribute to the implementation of the Declaration;
- c) to support the affirmation of, and develop relationships with, Indigenous governing bodies.

DRIPA creates a framework for reconciliation in B.C., in keeping with the Calls to Action of the Truth and Reconciliation Commission (TRC)<sup>2</sup>. The TRC called on all governments in Canada to fully adopt and implement the UN Declaration as a framework for reconciliation. Through DRIPA, BC is Canada's first province to put the UN Declaration on the Rights of Indigenous Peoples into law.

DRIPA aims to create a path forward that respects the rights of Indigenous peoples while introducing better transparency and predictability in the work we do together.

In order for the business community to adopt DRIPA into their business models, there must be an understanding of the importance and value of achieving reconciliation and collaborating with Indigenous peoples. , business and community must move forward together.

Implementation requires an action plan. First, we must understand the history of Indigenous Peoples in Canada, and the contemporary landscape of Indigenous Relations. Only then will there be true reconciliation and understanding as we partner on projects on Indigenous territories and respectfully work together with indigenous communities. Second, we must continuously evaluate our relationship and understand, adjusting our approach through cyclical learning.

### Background

DRIPA enacts a process to align B.C.'s laws with the UN Declaration mandating government to bring provincial laws into harmony with the UN Declaration. It requires development of an action plan to achieve this alignment over time – providing transparency and accountability and it requires regular reporting to the Legislature to monitor progress.

DRIPA gives the Province the flexibility to enter into agreements with a broader range of Indigenous governing bodies and provides a framework for decision-making between Indigenous governing bodies and the Province on matters that impact their nations.

DRIPA has enacted the *United Nations Declaration on the Rights of Indigenous Peoples* ("**UNDRIP**") in British Columbia law creating a framework for reconciliation in BC in keeping with the Calls to Action of the Truth and Reconciliation Commission<sup>3</sup>.

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<sup>1</sup> <https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/19044>

<sup>2</sup> [https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/indigenous-people/aboriginal-peoples-documents/calls\\_to\\_action\\_english2.pdf](https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/indigenous-people/aboriginal-peoples-documents/calls_to_action_english2.pdf)

<sup>3</sup> [https://static1.squarespace.com/static/5dbc9e7daca795172ad604d0/t/5dc098b32e9da95437b2f793/1572903092577/Calls\\_to\\_Action\\_English2.pdf](https://static1.squarespace.com/static/5dbc9e7daca795172ad604d0/t/5dc098b32e9da95437b2f793/1572903092577/Calls_to_Action_English2.pdf)

John Horgan, in his throne speech noted *"We need to address reconciliation in British Columbia, not just for social justice ... but for economic equality for all citizens, Indigenous and non-Indigenous."*

Moving forward business and industry must create informed policies and operate in a manner that acknowledges indigenous cultures and values, legal rights and entitlements. As a result of this understanding, we can, together, create methods of collaboration, consultation and negotiation which reinforce economic stability for all British Columbians and Canadians.

The Chamber recognizes that while this engagement may create additional time and costs early on, it will save complications caused by judicial or regulatory delays, or causing the disintegration of relationships with indigenous communities.

Greater understanding may be created within company culture through a Reconciliation Action Plan - a document that sets out an organization's tangible commitments to advancing the reconciliation process.

One common component of Reconciliation Action Plans is the inclusion of cultural competency training with respect to the underlying issues that are being addressed by UNDRIP, the Calls to Action and other sources. Training and resources are an extremely valuable component for ensuring widespread understanding of the issues. This requires skills-based training in intercultural competency, conflict resolution, human rights and anti-racism and capacity building.

While some companies can afford consultations or qualified instructors, many cannot particularly in light of the economic impacts as a result of the pandemic.

As government and communities work toward reconciliation with Indigenous Peoples business needs the support of government to move forward and be part of the reconciliation process. In addition to the skills-based training educational pieces need to include case law, constitutional rights, the Indian Act and historical context.

This understanding will aid in the continued work that is required to create an environment that allows for regions and communities to achieve pathways that offer economic and social stability, with the goal to produce strong working partnerships that respect indigenous values and create wealth generating opportunities for Nations while allowing for continued non-indigenous economic growth, and development.

We need a comprehensive action plan of learning in our business community in order to fully appreciate, recognize, implement and realize the economic opportunities with indigenous partners that includes:

**1. Colonization in Canada:** terminology and definitions; the history of Indigenous-Crown Relations; the Indian Act, 1876; membership, land and governance; and the history and legacy of residential schools.

**2. The Truth and Reconciliation Commission's Calls to Action**, the UNDRIP, and why both are important to businesses, to include a background on each of the Indigenous peoples in BC, which is outlined in the 92<sup>nd</sup> Calls to Action<sup>4</sup>:

- i. *Commit to meaningful consultation, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects. (we would like to discuss this one but are fine with the other two)*

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<sup>4</sup> [https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/indigenous-people/aboriginal-peoples-documents/calls\\_to\\_action\\_english2.pdf](https://www2.gov.bc.ca/assets/gov/british-columbians-our-governments/indigenous-people/aboriginal-peoples-documents/calls_to_action_english2.pdf)

- ii. *Ensure that [Indigenous] peoples have equitable access to jobs, training, and education opportunities in the corporate sector and that [Indigenous] communities gain long-term sustainable benefits from economic development projects.*
- iii. *Provide education for management and staff on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.*

**3. How to Build Sustainable Business Relationships with Indigenous Peoples:** best practices in community engagement, business development, protocols (including for Indigenous employees, contractors, businesses and entrepreneurs) and meeting Corporate Social Responsibility requirements. Education and mentorship in areas of DRIPA, reconciliation action plans, consultation, negotiation and joint ventures, contracts and contract management issues, resource development, infrastructure will aid in the development of respectful and collaborative relationships with our Indigenous partners.

THE CHAMBER RECOMMENDS:

That the Provincial Government:

1. Engage with Indigenous peoples and the business community to ensure policies will be effective, efficient and create positive outcomes for indigenous peoples and communities;
2. Support business through educational and mentorship programs to support policies as they are implemented and into the future; and,
3. Continue to grow sustainable economic projects with Indigenous partners that ensure positive economic outcomes within the Nations and is supported by non-Indigenous business communities.

**Submitted by the Dawson Creek & District Chamber of Commerce, Tumbler Ridge Chamber of Commerce, Chetwynd Chamber of Commerce and Surrey Board of Trade**

**Supported by the Fort Nelson and District Chamber of Commerce, Quesnel & District Chamber of Commerce, Whistler Chamber of Commerce and South Surrey/White Rock Chamber of Commerce**