

B.C. Declaration on the Rights of Indigenous Peoples Act

DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES ACT

The Government of British Columbia has introduced legislation that confirms the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) as the framework for reconciliation in B.C. Implementing the UN Declaration through the new B.C. *Declaration on the Rights of Indigenous Peoples Act* will establish a path forward that respects and upholds the human rights of Indigenous peoples while introducing additional transparency and predictability in the work the Province and Indigenous peoples do together. With the legislation, the Province, Indigenous peoples, businesses and local governments will have additional tools to build effective relationships, clear processes and a robust and sustainable economy together.

The legislation supports transparent, cooperative, staged approaches through which the Province works with Indigenous governing bodies, business and local governments on decisions affecting Indigenous peoples and their rights. It will help all parties work together to invest in building a stronger B.C., including creating economic opportunities for Indigenous peoples, B.C. businesses, communities and families across the province. The Province also recognizes that many companies in British Columbia have embraced the principles of the UN Declaration for a number of years and have built solid relationships with First Nations.

The Province is committed to transparency as it moves forward with this work and develops the action plan required under the new legislation.

MINING, MINERAL EXPLORATION AND OIL AND GAS

The Province is committed to true and lasting reconciliation with Indigenous peoples through implementation of the UN Declaration. This work will help move B.C. toward a predictable project approval process that supports reconciliation, and promotes job creation and sustainable economic growth. The mining sector has been advancing reconciliation with B.C. Indigenous peoples through numerous agreements and partnerships that reflect the principles of the UN Declaration.

The Ministry of Energy, Mines and Petroleum Resources (EMPR) recognizes that the new B.C. *Declaration on the Rights of Indigenous Peoples Act* will be implemented in collaboration with Indigenous nations will include a role for key stakeholders, including the mining and oil and gas industry associations. The implementation of the Act will be a gradual, incremental process that will support long-term reconciliation. The Act sets the Province and Indigenous peoples on a long-term path to work together to advance reconciliation.

In the short term, EMPR does not anticipate any significant changes to the regulatory framework for mining and oil and gas. The B.C. *Declaration on the Rights of Indigenous Peoples Act* does not change how EMPR consults with First Nations nor how operational decisions are made. Any future changes (e.g. amendments to legislation) would come in collaboration with all parties, including business sector, Indigenous nations and local government.





Collaboration between the Ministry of Energy, Mines and Petroleum Resources and Indigenous nations is well established, and has supported progress toward the Province's commitment to implement the UN Declaration. Examples of this work underway include:

1. Economic and Community Development Agreements (ECDA) – B.C. is the first Province to share revenues, via 35 ECDAs, with almost \$100M shared to date.
2. BC Regional Mining Alliance – a coalition made up of First Nations, government and industry to promote exploration and mineral development opportunities in northwest B.C.
3. Collaborative permitting processes for major mines in B.C.
4. Joint inspections – EMPR is working with a group of First Nations in northwest B.C. to develop training and processes for joint inspections.
5. Oil and Gas Tenure Management – Province and several Treaty 8 First Nations are developing collaborative approaches to tenure management through government-to-government agreements that give the participating Nations a greater role in how petroleum and natural gas development occurs within key areas of community interest.
6. LNG Benefits Agreements – a number of agreements have been established to facilitate financial benefit sharing with First Nations for liquefied natural gas developments. These agreements ensure that First Nations benefit from economic activity in their territories.

In support of implementing the UN Declaration, EMPR will continue to work with Indigenous Nations in the development and updates of policy, processes and legislation. This includes measures that support robust oversight of the mining and oil and gas industries; such as:

- engaging Indigenous nations across B.C. on Clean BC;
- collaborating on the development of the mine audit and compliance process; and
- Indigenous participation in the Standing Committee on the Health, Safety and Reclamation Code for Mines in BC



EMPR also will continue to work with Indigenous Nations on collaborative stewardship models such as the Environmental Stewardship Initiative, modernized land-use plans, and environmental monitoring agreements.

The B.C. *Declaration on the Rights of Indigenous Peoples Act* will not affect existing agreements or collaborative approaches between the Ministry and Indigenous nations. These existing Agreements and approaches have been successful in promoting collaboration between EMPR and Indigenous nations and, in a number of cases, have resulted in Indigenous nations providing their consent. Such approaches will continue to guide EMPR's work with Indigenous nations across the Province and promote reconciliation and certainty for economic development. The B.C. *Declaration on the Rights of Indigenous Peoples Act* will enable the negotiation of agreements in the future which could include joint decision-making in relation to certain authorities. Negotiation of such agreements require a mandate from government in accordance with the process set out in the legislation, and amendments to existing legislation to allow for joint decision-making.

Major mining and oil and gas projects may be subject to the environmental assessment process, and may be affected by the new *Environmental Assessment Act*. These changes provide that in certain circumstances, such as where a treaty or other comprehensive agreement containing a consent requirement is in place, the consent of Indigenous Nations participating in the environmental assessment would be required in order for a project to proceed. Not all environmental assessments will be subject to such agreements, and the development of any such agreements will be done transparently, in consultation with stakeholders.

Though operationally significant changes within the mining, mineral exploration and oil and gas sectors are not anticipated in the short term, EMPR will continue work with Indigenous nations to ensure their rights and interests are respected. EMPR will continue to consult with Industry and ensure they are engaged with regard any significant changes which may occur.

