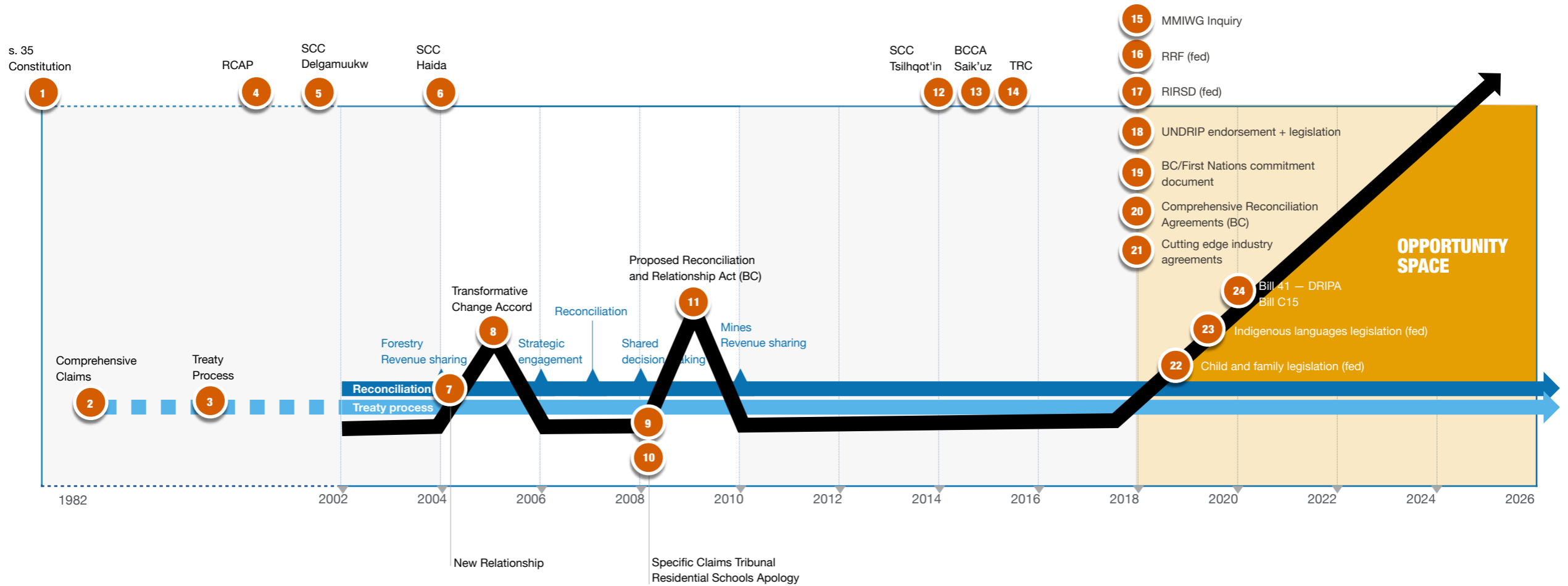


OPPORTUNITY SPACE



OVERVIEW OF THE DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES ACT

WHAT DOES THE ACT DO?

Affirms the UN Declaration is to be used to interpret the laws of BC (s. 2)

Requires “all measures necessary” to align laws with the UN Declaration (s. 3)

Requires an action plan to “meet the objectives” of the UN Declaration (s. 4)

Requires public reporting (s. 5)

Enables agreements, including regarding consent (ss. 6 and 7)

WHAT DOES THE ACT NOT DO?

Change or override section 35(1)

Change or override existing legislation or policy

Require agreements to be entered into

WHY UNDRIP?

Already accepted human rights and norms

Not new

Deliberate and inclusive process

Individual and collective

Fill out / supplement section 35

WHY THE DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES ACT?

A starting point for principled approach

Scaffolding

Provides an opportunity to bring coherence and transparency to efforts

WHY LEGISLATE?

Legislation has been part of the problem historically

Lay a new foundation for relations / “framework for reconciliation”

Provide vehicle for systematic and structured shifts

WHAT'S NEXT?

Mechanisms for implementation

‘House in order’ x 2

Nation and government re-building

THREE MODELS OF CONSENT-BASED DECISION MAKING

Each can be expressed in diverse and distinct ways

PRE- DECISION



ACKNOWLEDGE A LEAD JURISDICTION

Agree in advance about whose decision will be binding

Single decision maker/process

Requires clear up front criteria, accountability and design



A JOINTLY/AUTHORIZED DECISION-MAKING BODY

Agree to establish a joint decision-making body with decision-making authority

Guided by strategic level plans

Arms length

POST- DECISION



MECHANISMS TO ALIGN DECISIONS AND RESOLVE DISPUTES

Multiple decisions and decision-making

Structures and processes of interaction

Focus on dispute resolution