

POLICY BRIEF 2024

XEĆ TFE WILNEW

The First Nations Decide

Katisha Paul

The LEVEL Youth Policy Program takes place on the traditional and unceded territories of the *xʷməθkʷəjəm* (Musqueam), *Sḵwxwú7mesh* (Squamish) & *səlilwətaʔ* (Tseil-Waututh) Coast Salish peoples.

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About the LEVEL Initiative

LEVEL is a youth engagement initiative of Vancouver Foundation that aims to address racial inequity. We do this by investing in the leadership capacity of Indigenous, racialized, immigrant, and refugee youth to create more opportunities throughout the non-profit and charitable sector.

Despite being the fastest-growing youth populations in British Columbia, Indigenous, immigrant, and refugee youth don't have the same opportunities as other young people. Race continues to be a factor that hinders their ability to have a say in decisions that impact their lives.

LEVEL empowers these youth by building their capacity to challenge and change those systems that hinder their ability to build a more just world.

LEVEL consists of three pillars of work to advance racial equity

1. LEVEL Youth Policy Program
2. LEVEL Youth Organizing
3. LEVEL BIPOC Granting

About the LEVEL Youth Policy Program (LEVEL YPP)

The LEVEL Youth Policy Program (LEVEL YPP) brings together young people between the ages of 19 and 29 from across British Columbia who identify as being Indigenous or racialized immigrants or refugees. Indigenous and racialized newcomer youth are dispropor-

tionately impacted by certain public policies but are rarely included in the development and implementation of public policy process. The LEVEL YPP aims to provide these youth with equitable training and leadership opportunities to better navigate the public policy landscape, and to develop new tools and skills to influence, shape, and advocate for policy changes that are relevant in their own communities. Having young people directly involved in shaping policies that impact their lives is essential to creating systemic, meaningful change. The LEVEL YPP's training is grounded from and within Indigenous peoples' worldviews, which the program acknowledges, could vary from person-to-person or nation-to-nation. Indigenous worldviews place a large emphasis on connections to the land. This perspective views the land as sacred; where everything and everyone is related and connected; where the quality of the relationships formed are key in life; where what matters is the success and well-being of the community, and where there can be many truths as they are based on individual lived experiences.¹ As such, an important premise of this training is to centre and place a particular focus on the fact that the work that has gone into developing this training, as well as the training itself, has taken and will take place on unceded (never given away/stolen) territories of the *hə́nq'ə́min* 'ə́m̓-speaking Musqueam peoples, of the *Halkomelem*-speaking Tseil-Waututh peoples, and of the *sní́chim*-speaking *Sḵwxwú7mesh* (Squamish) peoples.

1. <https://www.ictinc.ca/blog/indigenous-peoples-worldviews-vs-western-worldviews>

Biography

Katisha Paul



Katisha Paul, also known as *Kwikws lvsáos* (Little Angel), is a *xwíl̓əxw sténi?* (woman of this land: she/her pronouns) from the *W̓JOL̓EŁP* and Lil'wat nations living in *xwməθkwəy̓əm* (Musqueam) territory. She is the elected Union of BC Indian Chiefs (UBCIC) Youth Representative, Global Indigenous Youth Caucus North American Regional Focal Point, Urban Native Youth Association Board member, BC First Nations Climate Leadership Agenda Steering Committee member, an administrative mentee of Tsatsu Stalqayu (Coastal Wolf Pack), and a political science student. In 2023, she was working with the Indigenous Youth Internship Program at the Ministry of Attorney General, BC Public Service Agency (Equity, Diversity, and Inclusion), and UBCIC as a policy analyst. *Kwikws lvsáos* advocates for the advancement of land, title, and human rights by implementing the action items of the Declaration Act Action Plan, amalgamating Indigenous law and Canadian law, and sustaining Indigenous relations. Influenced by the traditional ways of her ancestors, she holds a strong belief in the power of balance and equality.

Executive Summary

The Declaration Act is used as the framework for each of the BC provincial ministries to advance reconciliation with First Nations in a collective effort.

Three key sections of the Declaration on the Rights of Indigenous Peoples Act (Declaration Act) that will help guide the recommendations in this policy proposal are as follows:

- **Section 3:** In consultation and cooperation with the Indigenous peoples in British Columbia, the government must take all measures necessary to ensure the laws of British Columbia are consistent with the Declaration.
- **Section 4 (1):** The government must prepare and implement an action plan to achieve the objectives of the Declaration.
- **Section 5 (1):** Each year the minister must prepare a report for the 12-month period ending on March 31.

On July 30, 2024, the fifth Annual Report was published. The first three Annual Reports do provide a detailed account of co-developed programming, funding initiatives, economic agreements, and advancement of infrastructure projects, but are not transparent about the completion of action items that each ministry in the provincial government is accountable to. The previous Annual Reports were met with feedback from First Nations and the Province of BC has implemented the recommendations to improve the measuring progress by developing a new website that includes a comprehensive and accessible report that describes the levels of transformation, complexity, risks and management, and engagement.



The new framework will be created in consultation and cooperation with Indigenous peoples, but an Indigenous-led system and institution is required for a paradigm shift from Indigenous compliance to self-reliance.

Each of the Annual Reports highlights the various procedures used to measure progress, which include consulting and cooperating with Indigenous peoples to determine the indicators for monitoring, accessing, and reporting on progress.

A co-developed Action Plan Indicator Framework was announced in the latest Annual Report as being a new mechanism that will effectively measure change based on shared priorities and standards of success. The new framework will be created in consultation and cooperation with Indigenous peoples, but an Indigenous-led system and institution is required for a paradigm shift from Indigenous compliance to self-reliance.

In addition to the Declaration Act Annual Report and Action Plan Indicator Framework, the government of Canada and the Government of BC must co-develop a new fiscal framework that will support the First Nations Leadership Council during the creation and implementation of a Declaration Act Annual Shadow Report (Shadow Report). The development of a Shadow Report, as a concrete measure, will prioritize self-determination, Indigenous data sovereignty, transparency, and accountability. To fulfill Section 5 of the Declaration Act, transformative change is required by the Government of BC to allow space for First Nations to provide adequate responses and recommendations to the progress towards achieving the goals of the action plan.



The development of a Shadow Report, as a concrete measure, will prioritize self-determination, Indigenous data sovereignty, transparency, and accountability.

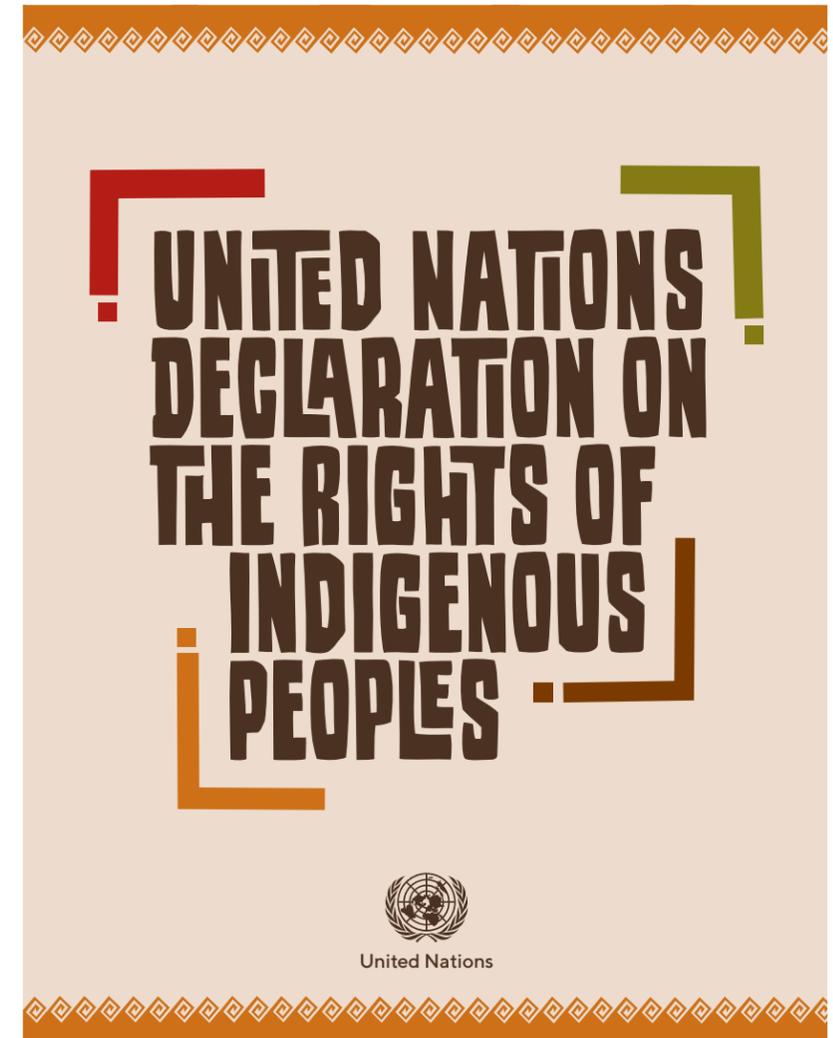
Background

In response to Indigenous Peoples' basic human rights being disregarded during the proclamation of the Universal Declaration of Human Rights by the United Nations General Assembly on December 10, 1948, the Working Group on Indigenous Populations was formed in 1982 and became the catalyst for addressing the disproportionate discrimination that global Indigenous peoples face.

Honouring the right to Indigenous self-determination became a key concern of many States during the drafting of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration), which resulted in Canada, Australia, New Zealand, and the United States voting against the UN Declaration when it was adopted by the UN General Assembly on September 13, 2007.

The Province of BC unanimously passed the Declaration Act on November 26, 2019. The Declaration Act provides a framework for a whole government approach to fully implement the UN Declaration in consultation and cooperation with Indigenous Peoples. Along with the alignment of laws (Section 3) and the creation of an action plan (Section 4), the Act requires the Province of BC to provide an Annual Report on the progress of the completion of obligations (Section 5).

In accordance with Section 4 of the Declaration Act, the Declaration Act Action Plan was developed and released on March 30, 2022. The Province of BC is required to table an Annual Report that provides an update on the progress



of the BC provincial ministries completion and compliance with their respective Action Items that are listed in the Declaration Act Action Plan. On June 30, 2024, the fourth Annual Report was released.

Cover of the United Nations Declaration on the Rights of Indigenous Peoples.

Proposal

The Department of Justice, Crown-Indigenous Relations and Northern Affairs Canada, Indigenous Services Canada and the Ministry of Indigenous Relations and Reconciliation must support the development and implementation of a resolution from the UBCIC Executive, working with the First Nations Summit (FNS) and the British Columbia Assembly of First Nations (BCAFN) as the First Nations Leadership Council (FNLC), that calls for the following recommendations:

1 Honour First Nations' inherent right to self-determination.

The Government of BC must grant full autonomy to the FNLC to consider the units of measurement and monitoring standards used for determining the completion of the Declaration Act's action items that comply with First Nations' laws, customs, protocols, and traditions.

The UN Declaration, which the Government of Canada has adopted without qualification, and has, alongside the Government of BC, passed legislation committing to implement, affirms:

- **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.



The Government of BC must grant full autonomy to the FNLC to consider the units of measurement and monitoring standards used for determining the completion of the Declaration Act's action items that comply with First Nations' laws, customs, protocols, and traditions.

2 Provide an increase in capacity funding to the FNLC and Declaration Act Secretariate.

The funding will be used for the development of a First Nations Declaration Act Annual Shadow Report (Shadow Report), with the first report published in 2025–2026, covering the period between April 1, 2025, to March 31, 2026. The Federal and Provincial Governments must agree to an adequate long-term sustainable and direct funding agreement that will stand beyond any sitting government. The funding will support the development of infrastructure that will increase First Nations engagement, the appointment of the Indigenous Data Firm and other necessary First Nation NGOs, and the delegation of a Shadow Report Champion.

The UN Declaration, which the Government of Canada has adopted without qualification, and has, alongside the government of BC, passed legislation committing to implement, affirms:

- **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.



The Federal and Provincial Governments must agree to an adequate long-term sustainable and direct funding agreement that will stand beyond any sitting government.

3 Prioritize an increase in annual funding directly to First Nations through the FNLC for greater distinctions-based consultation and cooperation.

The new funding mechanism that will be developed will support the implementation of the Declaration Act and the development of the First Nations Declaration Act Annual Shadow Report.

The Crown no longer has the simple Duty to Consult with First Nations, nor is there a desire from First Nations to continue providing free prior and informed consent without the security of self-determination. Instead, the Crown now has an obligation to maintain co-developed laws, policies, programs, and practices that are consistent with First Nations values and beliefs. Consultation is not consent. First Nations have the right to determine the completion status of action items per their own merits.

The Declaration Act Secretariate and First Nations are being pressured far beyond their Section 3 engagement capacities because of the lack of people who are capable of being tasked solely with the alignment of laws. It is the Crown's fiduciary duty to provide funding directly to First Nations in addition to the \$200 million Declaration Act Engagement Fund to actively engage in the creation of a new reconciliation mechanism, an annual Shadow Report, that will alleviate the pressure on the Declaration Act Secretariate to forfeit a percentage of their budget. The Shadow Report must be First Nations-led to enhance trust through completely transparent and accountable processes, procedures, and the development of

additional mechanisms. Allocation of finances will be determined by the FNLC on the advice of First Nations, the Indigenous Data Firm, and Shadow Report Champion.

4 Utilize the Indigenous Data Firm.

The Indigenous Data Firm and all necessary First Nations NGOs will be responsible for data collection, repository, and distribution. These organizations will also be tasked with working in full consultation and cooperation with First Nations, prioritizing the recruitment and retention of Title and Rights holders. The Indigenous Data Firm and First Nations NGOs must report directly to the FNLC, Declaration Act Secretariate, and the Shadow Report Champion.

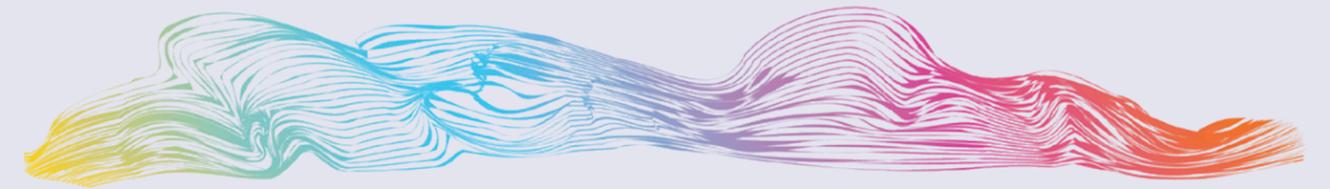
First Nations Peoples have a right to access and use data how they see fit, free of discrimination and Non-Disclosure Act limitations.

5 Delegate a Title and Rights holder to be the First Nations Declaration Act Annual Shadow Report Champion.

The Shadow Report Champion will be tasked with the following duties:

- **Collaborate with the FNLC and Declaration Act Secretariate** to revise and strengthen the language in the Declaration Act Action Plan and eliminate any grey areas. Clarifying the Government of BC's commitment to take all measures necessary during the fulfillment of the Declaration Act Action Plan and work in good faith for First Nations.
- **Enhance First Nations engagement throughout the development of the Shadow Report** by hosting monthly regional sessions with Hereditary Chiefs, elected leadership, Elders, Knowledge Keepers, women, Two-Spirit, and youth that will provide space for the Title and Rights holders to determine the completion of action items.
- **Prioritize data sovereignty during consultation cooperation with the Indigenous Data Firm and First Nations NGOs** and use the data to develop and distribute quarterly comprehensive briefings to the FNLC and Declaration Act Secretariate.
- **Present the Shadow Report alongside the FNLC and Deputy Minister of the Declaration Act Secretariate**, Jessica Wood, on the advice of First Nations, to the UBCIC, BCAFN, and FNS Annual General Assemblies, the Government of BC, and the Government of Canada.

Conclusion



The relationship between the Indigenous Peoples and the Government of BC has tremendously improved since the passing of the Declaration on the Rights of Indigenous Peoples Act. Trust has been built through the co-development of programs, funding initiatives, economic agreements, and projects. Being the first jurisdiction in Canada to pass legislation to support reconciliation efforts and adopt the United Nations Declaration on the Rights of Indigenous Peoples has set a positive precedence for other jurisdictions in Canada and internationally.

Self-determination is achievable when distinct Indigenous Knowledge Systems are valued, honoured, and applied to maintain Indigenous political, legal, economic, social, and cultural institutions. Cooperation and consultation are the bare-minimum requirements to be met by the Government of BC, and reconciliation will not be possible until First Nations have full autonomy over decision-making processes and mechanisms to determine the completion of Declaration Act action items. The Government of BC's collection and application of Indigenous data is not a sufficient use of time or resources if the data and reports are not controlled by Indigenous governments, organizations, nations, and peoples.

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Long-term sustainable capacity funding to the FNLC will ensure greater transparency and accountability. The First Nations Elders, Knowledge Keepers, women, 2S+, and youth deserve to have their voices adequately reflected in all reports that directly impact their well-being. These recommendations are to be viewed as an extension of gratitude to the First Nations' leaders, the Government of Canada, and the Government of BC for demonstrating the power of pulling together.

The Shadow Report is to be utilized as an accountability mechanism, ensuring the Government of BC is taking all measures necessary to implement the UN Declaration while maintaining and sustaining Indigenous dignity and pride truthfully and honestly.

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ACKNOWLEDGEMENTS

I raise my hands to my great grandparents Evalyn Paul, Benjamin Paul, Daniel Wells, Cora Wells, and all of our ancestors who walked before us to protect our inherent right to freely enjoy our lands and title rights, cultures, languages, and Knowledge Systems. Our pride and dignity shine bright in the work we carry forward because of the strength that has been passed along through generations. Our ancestors set down the blankets to provide us with a secure space in which we can move forward in a good way, with a strong heart and mind, to complete the work for a brighter future.

I raise my hands to my grandparents, Iona Paul, Alec Dan, the late Eleanor Wells, and to my parents Leilani Riley, Joseph Paul, Amanda Paul, and Ken Riley, and to my siblings, Demetrius, Perseis, Shanalai, Mackenzie, Zearra, Shalaya, Talon, and Cepheus, and to my many aunties, uncles, cousins, and friends. The dedication we have in the many positions we hold requires much time and sacrifice. I hold my loved ones in my heart as each of us excels in our individual and collective journeys.

I raise my hands to the Union of BC Indian Chiefs, British Columbia Assembly of First Nations, First Nations Summit, First Nations Leadership Council, Knowledge Keepers, Elders, women, men, 2 spirit+, and youth for the commitment to provide a future for our children that rests upon the beauty of who we are as people of the land.

I raise my hands to the UN General Assembly, UN Human Rights Council, the Government of Canada, the Government of BC, Vancouver Foundation, LEVEL Youth Policy Program participants and mentors, municipal governments, businesses, industry associations, not-for-profits, and accomplices for opening their hearts and minds to the excellence of Indigenous Knowledge Systems.

I raise my hands to XELS (Creator) and the land, water, air, fire, four-legged, finned, winged, and crawlers for trusting us humans to be the protectors of all. I am humbled by the magnificence of Earth, and I promise to walk gently.

Here I stand with Cedar Tree as my backbone.

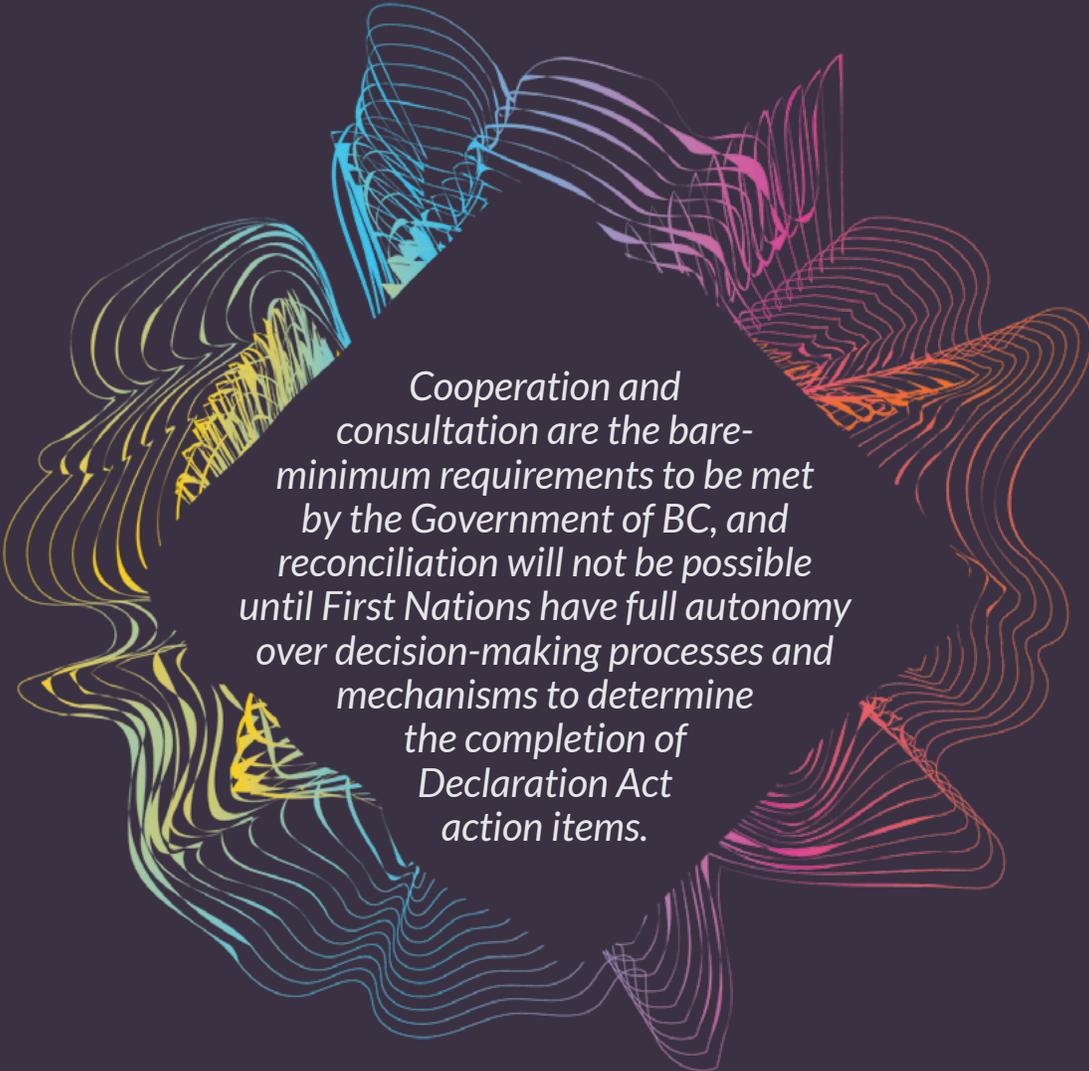
Here I stand with arms to the sky as water rushes through my veins.

Here I stand with roots reaching down as the Earth grounds my spirit.

Here I stand with hopes to give you my all as you pull on my bark.

—Kwikws *lv̓sáos*





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Vancouver Foundation is Community Inspired. We are a community foundation that connects the generosity of donors with the energy, ideas, and time of people in the community. Together, we've been making meaningful and lasting impacts in neighborhoods and communities since 1943. We work with individuals, corporations, and charitable agencies to create permanent endowment funds and then use the income to support thousands of charities. We recognize that communities are complex and that collaboration between multiple stakeholders is needed to help everyone thrive and evolve. Vancouver Foundation brings together donors, non-profits and charities, government, media and academic institutions, local leaders, and passionate individuals to build meaningful and lasting change in the province of British Columbia. We see young people, their voices and experiences as part of that vision to building meaningful change.

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