



# STÓ:LŌ TRIBAL COUNCIL

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September 7, 2021

Hon. Murray Rankin  
Minister of Indigenous Relations & Reconciliation  
PO BOX 9051  
STN PROV GOVT  
Victoria BC  
V8W9E2

Sent by Email Only: [IRR.Minister@gov.bc.ca](mailto:IRR.Minister@gov.bc.ca)

Dear Minister Rankin:

## **Re: Feedback on the Draft Declaration Action Plan**

The Declaration on the Rights of Indigenous Peoples Act is a simple law that offers a compelling vision, and a pragmatic means to achieve reconciliation with Indigenous peoples. STC members and leaders are keen to achieve reconciliation with your government through cooperation, collaboration, and shared decision-making. We are most disappointed with the June 2021 Draft Declaration Action Plan. In this letter, we set our feedback, concerns, and advice.

The draft action plan sets themes, ambitious goals, and then lists an inventory of existing programs and strategies. This draft action plan does not set out:

- a clear strategy
- define clear deliverables, set milestones
- assign tasks & accountabilities
- describe an engagement pathway to achieve cooperation, collaboration
- outline mechanisms for shared decision-making.

The current MIRR Draft Declaration Action Plan will not “achieve the objectives of the declaration.” We urge you to work with your cabinet colleagues, and BC First Nations Councils including the First Nations Forestry Council, First Nations Energy & Mining Council, First Nations Fisheries Council, First Nations Education Steering Committee, and First Nations Health Council & First Nations Health Authority to remedy these significant shortcomings in your current Draft Declaration Action Plan. We offer the following observations and advice for your consideration.

## Shared Understandings

The MIRR website states: “Comprehensive - The articles of the UN Declaration are interrelated and interdependent, intended to be read together and understood as an indivisible whole.” We appreciate the spirit and intent of “comprehensive.” However, this notion resulted in a draft Declaration Action Plan that lacks a clear focus and a sound strategy.

UNDRIP Articles 19 and 32, relate to “free, prior, and informed consent,” and are essential to achieving reconciliation through cooperation, collaboration, and shared decision-making. The DRIPA Vision requires the Declaration Action Plan that sets out explicitly how each Ministry will implement UNDRIP Articles 19 and 32. Government failure to remedy this significant flaw in the current Declaration Action Plan the result will be “business as usual” with key decisions made by Ministers or senior ministry officials.

Diverse – “The action plan reflects the principle of diversity amongst Indigenous peoples as stated in section 1(2) of the Declaration Act, which includes meeting the standard in article 37(2) that nothing in the UN Declaration “may be interpreted as diminishing or eliminating the rights of Indigenous peoples contained in treaties, agreements and other constructive arrangements.””

The FNLC was created to advocate for the resolution of the outstanding land question and to improve the quality of life of First Nations peoples. The FNLC is not a government nor an Indigenous Cabinet with decision-making authority. Per UNDRIP Article 18, the FNLC should be advocating your government to support the development of “Indigenous decision-making institutions.” Instead of supporting UNDRIP Article 18, the First Nations Leadership Council launched a highly inappropriate plan to restructure the BC First Nations Health Authority.

In 2011, BC Chiefs approved a First Nation Health Governance structure. While the 2011 Tripartite Agreement on First Nations Health Governance is without prejudice to First Nations interests – it is very clearly an “agreement.” Without a doubt, it is clearly a “constructive arrangement.” Per UNDRIP article 37(2), then we expect that your government to reject the FNLC plan to restructure the FNHA. We expect your government to uphold the honour of the Crown and continue to support fully the legal and binding BC Tripartite Framework Agreement on First Nations Health Governance and subsequent agreements and accords.

The shared understandings also include – principled, cooperative, and enabling. In this draft plan, your government has missed the opportunity to set out a principled and cooperative engagement with Indigenous leaders and organizations. This engagement is essential to achieve reconciliation through cooperation, collaboration, and shared decision-making. The draft action plan is silent on the engagement of existing First Nation provincial councils. The First Nations Forestry Council, the First Nations Energy Mining Council, First Nations Fisheries Council, the First Nations Health Council/First Nations Health Authority, First Nations Justice Council, and

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the First Nations Education Steering Committee have expertise, experience, and relationships with First Nations leaders. Your Ministry missed an ideal opportunity for achieving cooperation and collaboration with these Councils that are familiar with administrative and legislative changes required to achieve the objectives of UNDRIP .

#### Amending the Plan & Moving Forward

The current Draft Declaration Action Plan must be tabled in favour of a new plan. This new plan ought to focus on achieving “free, prior, and informed consent” as set out in UNDRIP Articles 19 and 32. The new plan ought to describe the principled engagement for the development and review of shared decision-making mechanisms required by the DRIPA.

The new plan must be explicit and set out clearly how the BC Ministries will engage with their First Nation partner(s) to cooperate, collaborate, and share decision-making. The plan must be clear about ministries achieve UNDRIP Article 18. The current province wide Councils and their current partnerships must be informed and strengthened with the application of UNDRIP Articles 19, 32, and 18. These First Nations Councils are not rights-holders. However, these organizations can provide opportunities for meaningful engagement, valuable advice, and guidance on administrative and legislative change to Ministers and their Ministries.

Per Article 18, the Province of BC may see the need for Ministries that do not have a province wide First Nations organization to partner, engage, and seek advice. The province ought to work with the First Nations Leadership Council and other First Nations Councils to address that need. The current draft Declaration Action Plan is silent on this necessary work.

Our leadership fully supports the vision set out by the Declaration on the Rights of Indigenous Peoples Act. We urge you to table the current draft Declaration Action Plan and replace it with a new plan that sets out a clear commitment to implement UNDRIP articles 19, 32, and 18. We call upon you to engage with all First Nations province wide Councils for advice.

Thank you for the opportunity to share our observations, concerns, and advice.

Respectfully,

**STÓ:LŌ TRIBAL COUNCIL**



Tribal Chief Tyrone McNeil  
President

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c.c. Hon. John Horgan, Premier of BC  
Hon. Adrian Dix, Minister of Health  
First Nations Leadership Council  
Wade Grant, Chair, First Nations Health Council  
Colleen Erickson, First Nations Health Authority  
Chief Bill Williams, President, First Nations Forestry Council  
Dave Porter, CEO, First Nations Energy Mining Council  
Hugh Braker, President, First Nations Fisheries Council  
Douglas White III, Chair, First Nations Justice Council  
Deborah Jeffrey, Executive Director, First Nations Education Steering Committee