

MOTION

5. Implementing the UN Declaration on the Rights of Indigenous Peoples in the City of Vancouver (Member's Motion B.2)

At the Council meeting on March 9, 2021, Council referred the following motion to the Standing Committee on Policy and Strategic Priorities meeting on March 10, 2021, in order to hear from speakers.

Submitted by: Councillor Boyle

WHEREAS

1. The City of Vancouver has made significant long-term commitments as a [City of Reconciliation](#), and has taken many steps to advance reconciliation. The City can continue to deepen its commitment to reconciliation with measurable actions and systemic change;
2. On February 26, 2013, Vancouver City Council passed a motion to endorse the United Nations Declaration on the Rights of Indigenous Peoples;
3. On June 24th, 2014, the City of Vancouver unanimously voted to acknowledge that the city is on the unceded territory of the Musqueam, Squamish, and Tsleil-Waututh peoples who are the rights and titleholders in the City of Vancouver;
4. The Metropolitan Area of Vancouver is home to nearly 60,000 urban Indigenous peoples, as based on the 2016 Census. The third-largest municipal concentration of Indigenous peoples in Canada;
5. As the City of Reconciliation, Vancouver has established formal working relationships through Memoranda of Understanding (MOU) with the Musqueam Indian Band and Squamish Nation, with discussion underway with the Tsleil-Waututh Nation, alongside a MOU with the Metro Vancouver Aboriginal Executive Council (MVAEC). These MOU's have informed a number of projects which have been reported on in the July 2, 2020 [Reconciliation Update Work & Efforts Report](#). Current projects and recommendations include Municipal Indigenous Coordinators, Indigenous Design Principles, Indigenous Place Naming, and support for Indigenous Language Revitalization;
6. The process of reconciliation is a long-term effort that takes seriously the responsibility of creating systemic change and new relations based on mutual understanding and respect;

7. The UN Declaration on the Rights of Indigenous Peoples (“the Declaration”) was adopted by the UN General Assembly on 13 September 2007, as a triumph for justice and human dignity following more than two decades of negotiations between governments and Indigenous peoples' representatives. Among many significant components, UNDRIP:
 - a. Establishes a universal framework of minimum standards for the survival, dignity, well-being and rights of the world's Indigenous peoples;
 - b. Addresses both individual and collective rights; cultural rights and identity; rights to education, health, employment, language, and others;
 - c. And it outlaws discrimination against Indigenous peoples and promotes their full and effective participation in all matters that concern them;
8. Rights & titleholders in the City of Vancouver are the Musqueam, Squamish, and Tsleil-waututh within the meaning of UNDRIP. The City of Vancouver, as a City of Reconciliation, has the responsibility to recognize the rights and title of Musqueam, Squamish and Tsleil-waututh;
9. Many Indigenous peoples have made the City of Vancouver their home and as Indigenous peoples also have Indigenous rights within the meaning of UNDRIP. The City of Vancouver has the responsibility to provide rights-based programming and services to the urban Indigenous community which has made Vancouver their home;
10. The UN Declaration affirms:
 - a. Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions;
 - b. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them;
 - c. Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic social

- programs affecting them and, as far as possible, to administer such programs through their own institutions;
11. Both the governments of Canada and British Columbia have endorsed the UN Declaration without qualifications;
 12. The Truth and Reconciliation Commission (TRC) of Canada's Ten Principles for Reconciliation state that:
 - a. Call to Action #43: We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the UN Declaration as the framework for reconciliation;
 - b. Call to Action #47: We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands, such as the Doctrine of Discovery and terra nullius, and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts;
 13. In November 2019, British Columbia passed the Declaration on the Rights of Indigenous Peoples Act (DRIPA). DRIPA provides a framework for implementing the Declaration by requiring the Province to work in consultation and cooperation with Indigenous peoples to:
 - a. align all Provincial laws with the Declaration;
 - b. prepare and implement an action plan to achieve the objectives of the Declaration
 - c. prepare an annual report outlining the progress that has been made towards aligning Provincial law; and
 - d. Enabling mechanisms to negotiate and enter into an agreement with an Indigenous governing body and the ability to seek a mandate to pursue an agreement with an Indigenous governing body for the purposes of the exercise of joint statutory power of decision;
 14. The shift in Provincial law shows a refinement of focus from broad, but often unspecific reconciliation efforts to specific recognition, affirmation, and implementation of the inherent rights of Indigenous Peoples;
 15. On November 4, 2020, the City of Montreal unveiled its Reconciliation Strategy with Indigenous Peoples. Montreal's plan includes a commitment to develop a nation-to-nation relationship;

16. In July 2020 the City's Urban Indigenous Peoples Advisory Committee (UIPAC) issued a [public letter](#) calling for meaningful action on Anti-Racism and Reconciliation by the Mayor, Council and Civic Departments, naming the need to see more meaningful consultation and dialogue that results in real tangible action and impact. UIPAC called for the implementation of UNDRIP at the City level in 2013;
17. The Vancouver City Council can continue its work on reconciliation by working with xʷməθkʷəy̓əm (Musqueam), Sk̓wx̓wú7mesh (Squamish), and sə́l̓ílwətał (Tseil-Waututh) Nations and Urban Indigenous communities on implementation of the Declaration on the Rights of Indigenous Peoples as the next chapter in the City's reconciliation work.

THEREFORE BE IT RESOLVED THAT Council aspires to implement the UN Declaration on the Rights of Indigenous Rights (UNDRIP) at a local government level in the City of Vancouver, and recognizes the implementation of the UN Declaration on the Rights of Indigenous peoples as the minimum standard for the survival, dignity, well-being and rights of the Indigenous peoples;

FURTHER THAT Council establish a Type D Advisory Committee, referred to as a "Task Force on Implementing UNDRIP in the City of Vancouver" to provide advice to the Mayor and Council, with the terms of reference attached as Appendix A;

AND FURTHER THAT Council direct staff to seek Provincial and Federal participation and support for this work, and to align Vancouver's efforts to implement UNDRIP with existing provincial law and emerging federal legislation.

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APPENDIX A

Terms of Reference

This will be a Type D Committee, and will provide recommendations to Mayor and Council for priority actions that may be taken by the City to implement the UN Declaration on the Rights of Indigenous Peoples

The scope of the committee's work will include:

- Consult and collaborate with the Musqueam, Squamish, and Tsleil-Waututh on the development of the Committee's Report;
- Provide recommendations on how the City can implement the UN Declaration on the Rights of Indigenous People in the City of Vancouver as an integral aspect of its work on Indigenous relations and reconciliation;
- Consult and engage Indigenous peoples and Indigenous groups in the City of Vancouver on recommendations for implementing the UN Declaration on the Rights of Indigenous People in the City of Vancouver;
- Consider the role of UNDRIP and the urban Indigenous communities today living in Vancouver, recognizing the importance of both title and rights in UNDRIP implementation;
- Build on past and current work in the City of Vancouver on reconciliation and the implementation of UNDRIP;
- Consider the BC Declaration on the Rights of Indigenous Peoples Act (DRIPA) as a model;
- Create a high-level work plan and a budget to carry out the recommended actions to implement the UN Declaration within the City of Vancouver, to be included for consideration in the 2022 city budget process as well as a review of current City projects involving Indigenous peoples and a work plan to bring them in line with the articles of the UNDRIP;
- Seek ways to engage women, youth, and elder voices in the development of the report's recommendations.

Composition

This committee is a Type D Committee that will provide a report to the Mayor and Council upon completion.

The committee will consist of up to two representatives from each of the Musqueam, Squamish, and Tsleil-Waututh Nations, along with Councillor Boyle and up to 3 other representatives from Mayor and Council. Two Steering Committee Co-Chairs will be appointed by the committee.

The Steering Committee will engage with and work to ensure representation of leadership that reflects the diversity of the urban Indigenous community. Members of Council will be invited to participate in working groups at the request of the Co-Chairs.

The committee will be supported by a technical team of experts and advisors. That technical team could include staff from the Musqueam, Squamish, and Tsleil-Waututh Nations as chosen by the Nations, and staff from the City of Vancouver at the direction of the City Manager, as well as additional advisors and external experts.

Budget and Staff Support

The City Manager will be responsible for allocating staff resources as appropriate, including any recommendations for reprioritizing current staff work on Reconciliation to align with the implementation of UNDRIP. The City Manager will also assess resources and report back to the Mayor and Council on any recommended capacity resources to support Musqueam, Squamish, and Tsleil-Waututh Nations participation, as well as opportunities to seek funding support from senior levels of government.

Timeline

An update report including a work plan and requested budget will be presented to Council by the end of Q3 2021 or earlier.

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