



November 19, 2019

**EMILY ARTHUR**

Via email: [Emily.Arthur@gov.bc.ca](mailto:Emily.Arthur@gov.bc.ca)

Executive Director, Reconciliation Strategies Branch  
Ministry of Indigenous Relations and Reconciliation  
PO Box 9100, Stn. Prov. Govt.  
Victoria, BC  
V8W 9B1

Dear Ms. Arthur,

**RE: *DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES ACT (BILL 41)***

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I am writing on behalf of the Social Justice Section (the “Section”) of the Canadian Bar Association (British Columbia Branch)(CBABC) regarding the proposed *Declaration On The Rights Of Indigenous Peoples Act* (Bill 41).

### **CBABC**

Formed in 1896, the purpose of the CBABC is to:

- Enhance the professional and commercial interests of our members;
- Provide personal and professional development and support for our members;
- Protect the independence of the judiciary and the Bar;
- Promote access to justice;
- Promote fair justice systems and practical and effective law reform; and
- Promote equality in the legal profession and eliminate discrimination.

The CBA nationally represents approximately 35,000 members and the British Columbia

The CBABC itself has over 7,000 members. Our members practice law in many different areas. The CBABC has established 76 different sections to provide a focus for lawyers who practice in similar areas to participate in continuing legal education, research and law reform. The CBABC has also established standing committees and special committees from time to time.



### **CBABC Social Justice Section**

The CBABC Social Justice Section provides a forum for lawyers interested in helping marginalized clients to participate in the justice system and in society generally. Our Section's focus is on practice skills, law reform, substantive legal training and networking.

The Section was assisted by Stuart Rennie, CBABC Legislation and Law Reform Officer.

The Section's submissions in this letter reflect the views of the members of the Section only and do not necessarily reflect the views of the CBABC as a whole.

### **Submissions**

The Section is very pleased to see British Columbia taking steps towards implementing the United Nations Declaration on the Rights of Indigenous Peoples (the "Declaration") through Bill 41, a cause which has been advanced by many dedicated Indigenous advocates since its drafting. Full implementation of the Declaration stands to be a valuable tool in advancing the development of true nation-to-nation relationships with Canada and British Columbia. The Section hopes to see Bill 41 support the realization of this goal.

In this spirit, we propose the following amendments to section 7 of Bill 41. We suggest adding to section 7 the wording noted in bold and underlined font and amending the wording in bold and strikethrough font below:

#### 7(1) Decision-making agreements

"For the purposes of reconciliation, **advancing the implementation of the Declaration, and respecting Indigenous nationhood**, the Lieutenant Governor in Council ~~may~~ **shall, by their own initiative or upon request by an Indigenous governing body**, authorize a member of the Executive Council, on behalf of the government, to negotiate and enter into an agreement with an Indigenous governing body relating to one or both of the following ..."

Including an invitation for requests from Indigenous governing bodies to enter into the negotiations outlined in section 7 more fully embodies the nation-to-nation spirit of the Declaration. Shifting the purposive language from reconciliation alone to advancing the Declaration and respecting Indigenous nationhood similarly strengthens Bill 41's commitment to engaging with Indigenous nations as equal partners in governance of this territory.



## **Conclusion**

The Section is pleased to discuss our submissions further, either in person or in writing, in order to provide any clarification or additional information that may be of assistance.

Communications in this regard can be directed to:

**CLAIRE KANIGAN**

Legislative Liaison

CBABC Social Justice Section

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