

**VILLAGE OF PEMBERTON
-COMMITTEE OF THE WHOLE MEETING AGENDA-**

Agenda for the **Committee of the Whole** of Council of the Village of Pemberton to be held Tuesday, June 7, 2022, at 2:00pm in Council Chambers located at 7400 Prospect Street and via electronic means through a ZOOM Webinar. This is Meeting No. 230.

"This meeting is being recorded as authorized by the [Video Recording & Broadcasting of Open Meetings Policy](#)

Online participation is encouraged and instructions for the public to view the meeting remotely by ZOOM webinar can be found [here](#). Link to the Zoom Webinar: <https://us02web.zoom.us/j/87180570679>

Item of Business	Page No.
1. CALL TO ORDER	
In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.	
2. APPROVAL OF AGENDA	1
Recommendation: THAT the Committee of the Whole approves the agenda be approved as presented.	
3. ADOPTION OF MINUTES	2
a) Committee of the Whole Meeting No. 229, Tuesday, May 17, 2022	
Recommendation: THAT the Committee of the Whole approves the minutes of the Committee of the Whole Meeting No. 229, held Tuesday, May 17, 2022, as circulated.	
4. REPORTS	
a) National Day for Truth and Reconciliation	7
Recommendation: THAT the Committee of the Whole provides input on the suggestions for appropriate commemoration of National Day for Truth and Reconciliation.	
5. ADJOURNMENT	
Recommendation: THAT the June 7, 2022, Committee of the Whole meeting be adjourned.	

**VILLAGE OF PEMBERTON
-COMMITTEE OF THE WHOLE MEETING MINUTES-**

Minutes of the **Committee of the Whole** of Council of the Village of Pemberton held Tuesday, May 17, 2022 at 2:00pm in Council Chambers located at 7400 Prospect Street and via electronic means through a ZOOM Webinar. This is Meeting No. 229.

ATTENDING: Mayor Mike Richman
Councillor Ted Craddock
Councillor Leah Noble
Councillor Amica Antonelli
Councillor Ryan Zant

STAFF: Sheena Fraser, Acting Chief Administrative Officer
Scott McRae, Manager of Development Services
Mark Barsevskis, Consultant Planner
Gwendolyn Kennedy, Acting Manager of Corporate & Legislative Services

DELEGATIONS: Julia Diamond, Selena Basi, and Laura Prosko, Woodfibre LNG Project
Casey Clerkson, Jaye Russell, Jessie Abraham, and Peter Gordon, Sea to Sky Community Services

PUBLIC: 3

MEDIA: 1

A recording of the meeting was made available to the public & media.

1. CALL TO ORDER

At 2:01pm Mayor Richman called the May 17, 2022, Committee of Whole meeting to order.

In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation.

2. APPROVAL OF AGENDA

Moved/Seconded

THAT the agenda be approved as presented.

CARRIED

3. ADOPTION OF MINUTES

a) Committee of the Whole Meeting No. 228, Tuesday, April 26, 2022

Moved/Seconded

THAT the minutes of the Committee of the Whole Meeting No. 228, held Tuesday, April 26, 2022, be approved as circulated.

CARRIED

4. DELEGATIONS

a) Woodfibre LNG Project Update – Julia Diamond, Senior Manager, Government Relations, Laura Prosko, Stakeholder Relations Advisor, and Selena Basi, VP, External and Government Relations

Selena Basi presented an update on the Woodfibre LNG project, which has been in process since 2014 and has now reached the ramp-up phase. Using e-drive technology, the facility will be the lowest carbon emission producing LNG facility in the world. During peak construction activity the project will support 700 jobs and will provide 100 long-term jobs once in production. The facility is expected to be ready for production in 2027.

Ms. Basi emphasized that Woodfibre LNG, a part of Pacific Energy, places a strong focus on community and seeks to minimize pressures on the region and promote benefits to the community. Woodfibre LNG has forged a strong partnership with the Squamish Nation. Woodfibre supports communities through donations and sponsorship programs. Local not-for-profit organizations are encouraged to apply.

The Committee requested more information regarding accommodation for the construction workforce and whether the presence of the workers would impact community services.

Moved/Seconded

THAT the Committee of the Whole receives the Woodfibre LNG Project Update report.

CARRIED

5. REPORTS

a) Sea to Sky Community Services Affordable Housing Project - Introductory Report

Mark Barsevskis, Consultant Planner, presented a report outlining the key elements of the application for rezoning and major development permit for an

affordable housing project for the lands located at Lot 2 District Lot 203 Lillooet District Plan KAP56640 (PID: 023-384-018).

The project proponent, Sea to Sky Community Services, proposes 63 one, two, and three bedroom residential units over 836 m² of commercial area on the ground floor. Due to concerns raised during early public engagement, Staff are seeking input from the Committee before proceeding with full review of the application.

The proposal generally satisfies the section 5.9.1 of the Official Community Plan (OCP), Housing Policies. Currently zoned commercial tourism (C-2), rezoning will be required. A comprehensive development zone is proposed to be created specifically for this project.

The proponents have asked that their application for a major development permit be considered concurrently with the rezoning application. Located within Development Permit Area No. 7, Gateway, the project must comply with the following guidelines:

- Create a strong sense of arrival to the Pemberton community through natural, landscaped and built gateway elements.
- Provide visual and physical cohesiveness that draws interest to the community.
- Present services and accommodations targeted to the travelling public that create an attractive community identity and character.

Concerns raised by Staff and the public include:

- Building height,
- Parking and traffic, and
- Storm water management and flood risk.

Mr. Barsevskis presented two options to the Committee for consideration:

Option One:

THAT the Committee of the Whole recommend to Council that Staff be directed to continue with the processing of the application by Station One Architects on lands located at Lot 2 District Lot 203 Lillooet District Plan KAP56640 (PID: 023-384-018), substantially in the form submitted in the application submission;

AND THAT subject to a complete and thorough application process, the proposed application be brought to Council for consideration of first reading to amending the zoning bylaw.

Option Two:

THAT the Committee of the Whole recommend to Council that the zoning bylaw amendment and a major development permit proposed on lands

located at Lot 2 District Lot 203 Lillooet District Plan KAP56640 (PID: 023-384-018), not proceed in its current form;

AND THAT Staff be directed to request an amendment to the proposed application to align it more closely with the guidance in the Official Community Plan and development permit areas, and the existing and proposed development in the area.

Acting CAO Fraser noted that under the current schedule of regular meetings, and with the 2022 local general elections on October 15th, it would not be possible to meet the timelines needed for approval of the project as required by BC Housing. As such, an amendment to the regular meeting schedule was advised should the Committee support proceeding with review of the application.

The Committee invited the project proponents, Casey Clerkson, Jaye Russell, Jessie Abraham, and Peter Gordon, to join the meeting at 2:36pm.

The project team emphasized the need for affordable housing in Pemberton, their commitment to listening to public comments and their willingness to make changes to the proposal in response to public input, and the challenge of meeting the BC Housing timeline, necessary to secure funding for the project.

Discussion focused on storm water management, flood risk, the height of the building, and the urgent need for affordable housing in Pemberton.

Councillor Ryan Zant left the meeting at 2:55 pm.

Councillor Ryan Zant joined the meeting at 3:14 pm.

Casey Clerkson, Jaye Russell, Jessie Abraham, and Peter Gordon left the meeting at 3:16pm.

Moved/Seconded

THAT The Committee of the Whole recommends to Council that Staff be directed to continue with the processing of the application by Station One Architects on lands located at Lot 2 District Lot 203 Lillooet District Plan KAP56640 (PID: 023-384-018), substantially in the form submitted in the application submission;

AND THAT subject to a complete and thorough application process, the proposed application be brought to Council for consideration of first reading to amending the zoning bylaw.

CARRIED

Moved/Seconded

THAT the Committee recommends to Council that the regular council meeting schedule be amended by the addition of a regular meeting on Tuesday, August 30th.

CARRIED

5. ADJOURNMENT

Moved/Seconded

THAT the May 17, 2022, Committee of Whole meeting be adjourned at 3:30pm.

CARRIED

Mike Richman
Mayor

Sheena Fraser
Corporate Officer

Date: Tuesday June 7, 2022
To: Sheena Fraser, Acting Chief Administrative Officer
From: Lyndsey Anic, Executive Assistant
Subject: National Day for Truth and Reconciliation

PURPOSE

The purpose of this report is to seek input from the Committee of the Whole on suitable means to recognize National Day for Truth and Reconciliation, September 30th.

BACKGROUND

In 2021, the Federal Government of Canada passed legislation to establish the federal statutory holiday, National Day for Truth and Reconciliation, on September 30th. Created in response to the Truth and Reconciliation Commission's Call to Action #80, which calls for a federal statutory day of public commemoration to reflect on the ongoing impacts of residential schools, National Day for Truth and Reconciliation honours those whose lives were lost and those whose suffering and trauma is ongoing.

September 30th is also Orange Shirt Day, an Indigenous-led grassroots commemorative day that honours the children who survived residential schools and remembers those who did not. In 2018, to acknowledge the traumatic effects of residential schools and to support the ongoing process of reconciliation as a community, Council proclaimed September 30th to be Orange Shirt Day for the Village of Pemberton.

At Regular Council Meeting No. 1544, held Tuesday, August 31, 2021, Staff presented a report respecting the declaration of National Day for Truth and Reconciliation, attached as **Appendix A**. At that meeting, Council declared National Day for Truth and Reconciliation (September 30) as a public holiday for the Village, to be observed annually to recognize the historical and ongoing impacts of the residential school system, honour the victims and survivors of the residential school system, and affirm the Village's commitment to reconciliation. At the same meeting, Council referred discussion regarding suitable means for the Village to acknowledge the public holiday to a future Committee of the Whole meeting. The resolution is provided below:

Moved/Seconded

***THAT** Council refers further discussion regarding suitable means for the Village to acknowledge the public holiday, to a future Committee of the Whole meeting.*

CARRIED

On September 30th 2021, the Village of Pemberton closed to commemorate the inaugural National Day for Truth and Reconciliation.

DISCUSSION & COMMENTS

Indigenous people in Canada continue to face systemic violence and oppression to this day. This is not just a historical issue that ended with the closing of the last residential school; it is also a current issue, and those of us who have benefited from and continue to benefit from the colonial system need to accept that we have a role to play in reconciliation. Honouring National Day for Truth and Reconciliation is one step in the journey to reconciliation, and while it feels like a very small step, any action that brings us closer to understanding the trauma suffered by Indigenous Canadians is an important step.

In 2015, the Truth and Reconciliation Commission of Canada (TRC) published its final report detailing the experiences and impacts of the residential school system, creating a historical record of its legacy and consequences.

One outcome of the report was a document detailing [94 calls to action](#). The TRC calls to action address the ongoing impact of residential schools on survivors and their families and provides a path for government and Indigenous and non-Indigenous communities in British Columbia to create a joint vision of reconciliation.

The following is a list of the TRC calls to action that are directed to municipal government:

Language and Culture

17. We call upon all levels of government to enable residential school Survivors and their families to reclaim names changed by the residential school system by waiving administrative costs for a period of five years for the name-change process and the revision of official identity documents, such as birth certificates, passports, driver's licenses, health cards, status cards, and social insurance numbers.

Reconciliation Canadian Governments and the United Nations Declaration on the Rights of Indigenous People

43. We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.

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.

Professional Development and Training for Public Servants

57. We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills based training in intercultural competency, conflict resolution, human rights, and anti-racism.

National Centre for Truth and Reconciliation

77. We call upon provincial, territorial, municipal, and community archives to work collaboratively with the National Centre for Truth and Reconciliation to identify and collect copies of all records

relevant to the history and legacy of the residential school system, and to provide these to the National Centre for Truth and Reconciliation.

The Village's authority and capacity to implement these actions is limited.

Actions 17 and 77, regarding the waiving of administrative costs for name changes and records related to the residential school system, are not applicable as the Village does not administer name changes and does not hold residential school records.

Action 47, reformation of laws, government policies, and litigation strategies that continue to rely on concepts such as the Doctrine of Discovery and terra nullius, will be reviewed as Staff develop a better understanding of how Village bylaws and policies reflect colonial attitudes.

Implementation of Action 43, adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), may be within the Village's authority. However, careful consideration should be given prior to taking this step to ensure that adoption of UNDRIP would be meaningful rather than merely symbolic. A copy of the Declaration is attached as **Appendix B** for information.

The Village has the authority and capacity to implement Action 57, professional development and training of public servants, and has begun work in this regard with training first taking place in 2017 and resuming this year.

As well, in 2017, the Village consulted with Lil'wat Nation on an appropriately worded acknowledgement statement to be used on meeting agenda and minutes and on the Village's website. The statements are provided below:

Meeting Agendas & Minutes Acknowledgement:

In honour of the Lil'wat7ul, I'd like to acknowledge that we are meeting within the unceded territory of the Lil'wat Nation.

Website Acknowledgement:

The Village of Pemberton is located within the unceded territory of Lil'wat Nation and honours the language, culture and history of the Lil'wat7ul.

The acknowledgement is made at the beginning of each council meeting and has been incorporated into the Village's Annual Report.

Staff propose the following actions in a continued effort towards reconciliation and appropriate commemoration of National Day for Truth and Reconciliation:

- Promote awareness of National Day for Truth and Reconciliation and Orange Shirt Day by displaying the proclamations on the Village of Pemberton website. Consideration may also be given to lowering the flag to half mast on September 30th in remembrance of those lives lost in the residential school system.
- Liaise with the Pemberton & District Public Library to establish and promote reading and education lists for adults and children on residential schools to be available during the week leading up to September 30th.

- Encourage Staff to continue their own learning about the legacy of the Indian Residential School system and provide staff with resources to do so.
- Bring forward for discussion to the Nukw7antwal Organizing Committee meeting how the Committee could jointly commemorate the day in the future.
- Encourage all residents to wear orange on September 30th to raise awareness of the very tragic legacy of residential schools and to honour the survivors.
- Investigate adding a First Nations heritage impact assessment as an element of development applications and permits.
- Implement Cultural Safety and Humility training for all new Council at the start of their tenure, with specific references to the local Indigenous nations.
- Consult with the Lil'wat Nation regarding our intent to implement an Acknowledgement of Land on staff email signatures.

Staff will be attending Cultural Safety and Humility training in 2022 using funds received from the UBCM Community Emergency Preparedness Fund, Indigenous Cultural Safety & Cultural Humility Training Grant, which we were successful in obtaining in 2020. Staff anticipate that one outcome of this training will be to develop a better understanding of our role in reconciliation, and how we can honour National Day for Truth and Reconciliation in the future. This training also directly relates to the Truth and Reconciliation Commission Call to Action #57 as described above.

Staff are seeking the Committee's input on the suggestions for appropriate commemoration of National Day for Truth and Reconciliation and other ways the Village can continue to respond to the calls to action and support the reconciliation process.

COMMUNICATIONS

There are no communications considerations.

LEGAL CONSIDERATIONS

There are no legal, legislative or regulatory considerations.

IMPACT ON BUDGET & STAFFING

Truth and Reconciliation and Indigenous Relations fall under the Office of the CAO. This work can be accommodated in the regular duties of department staff.

INTERDEPARTMENTAL IMPACT & APPROVAL

There are no additional impacts to interdepartmental staff hours for consideration at this time

COMMUNITY CLIMATE ACTION PLAN

This initiative has no impact on the Community Climate Action Plan strategies

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

A review of this initiative has no impact on other jurisdictions.

ALTERNATIVE OPTIONS

There are no alternative options for consideration.

RECOMMENDATIONS

THAT the Committee of the Whole provides input on the suggestions for appropriate commemoration of National Day for Truth and Reconciliation.

ATTACHMENTS:

Appendix A: Report to Council dated August 31, 2021, titled Declaration of National Day for Truth and Reconciliation as a Public Holiday – Request for Decision.

Appendix B: United Nations Declaration on the Rights of Indigenous Peoples

Prepared by:	Lyndsey Anic, Executive Assistant
CAO Approval by:	Sheena Fraser, Acting Chief Administrative Officer

Date: Tuesday, August 31, 2021

To: Nikki Gilmore, Chief Administrative Officer

From: Laura Murphy, Project and Research Coordinator

Subject: Declaration of National Day for Truth and Reconciliation (September 30) as a Public Holiday – Request for Decision

PURPOSE

The purpose of this report is to update Council on federal legislation, effective August 3, 2021, establishing September 30 as a new statutory holiday - the National Day for Truth and Reconciliation – and request direction from Council on the declaration of a public holiday by the Village.

BACKGROUND

The establishment of a National Day for Truth and Reconciliation is outlined in the Truth and Reconciliation Commission's Call to Action #80 and is an important step in the reconciliation process. The National Day for Truth and Reconciliation provides an opportunity for the Village to recognize the damaging history and ongoing legacy of residential schools, and to honour the survivors, their families, loved ones and communities.

DISCUSSION & COMMENTS

If declared a public holiday by the Village, the Village office will be closed on September 30; and subsequently no Village meetings would take place on this day. Staff would not be required to work and would receive statutory holiday pay.

COMMUNICATIONS

If declared, the Village will provide notice of the public holiday, via the Village Facebook Page, in the eNEWS, and on the Village website. Information will also be shared regarding local commemoration events.

LEGAL CONSIDERATIONS

Although not currently recognized as a BC provincial statutory holiday, the Province has encouraged provincial public-sector employers to honour September 30 as the National Day for Truth and Reconciliation, to meet the obligations of the majority of collective agreements.

IMPACT ON BUDGET & STAFFING

There are no significant impacts to the budget or staff hours for considerations at this time.

Regular Council Meeting No.

Declaration of National Day for Truth and Reconciliation as a Public Holiday – Request for Decision

Tuesday, August 31, 2021

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INTERDEPARTMENTAL IMPACT & APPROVAL

No impacts have been identified at this time.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

No impacts to the region or neighbouring jurisdictions have been identified at this time.

ALTERNATIVE OPTIONS

There are no alternative options for consideration.

RECOMMENDATIONS

THAT the Village of Pemberton declare the National Day for Truth and Reconciliation (September 30) as a public holiday for the Village, to be observed annually to recognize the historical and ongoing impacts of the residential school system, honour the victims and survivors of the residential school system, and affirm the Village's commitment to reconciliation.

Prepared by:	Laura Murphy, Projects and Research Coordinator
CAO Approval by:	Nikki Gilmore, Chief Administrative Officer



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PREAMBLE

Building a brighter future. Building a better Canada.

The United Nations Declaration on the Rights of Indigenous Peoples (the Declaration) provides us with a road map to advance lasting reconciliation with Indigenous peoples.

It shows us that further steps must be taken to respect, recognize and protect the human rights of Indigenous peoples and to address the wrongs of the past.

In 2016, the Government of Canada endorsed the United Nations the Declaration without qualification and committed to its full and effective implementation.

In December 2020, the Government of Canada introduced legislation to implement the Declaration. If passed by Parliament, the legislation will provide a roadmap for the Government and Indigenous peoples to work together to fully implement the Declaration.

Legislation to advance federal implementation of the Declaration is an important step in moving Canada's relationship with Indigenous peoples forward. It is a key building block in fully recognizing, respecting, protecting and fulfilling the rights of Indigenous peoples. Further, both the Truth and Reconciliation Commission and the National Inquiry into Missing and Murdered Indigenous Women and Girls called on the federal government to implement the Declaration as the framework for reconciliation.

Adopting the Declaration as a framework for reconciliation is about building a better Canada for Indigenous peoples and all Canadians today, and into our future.

ANNEX

The United Nations Declaration on the Rights of Indigenous Peoples

Originally published by
The United Nations
Department of Economic and Social Affairs
September 2007

Resolution adopted by the General Assembly on 13 September 2007

[without reference to a Main Committee (A/61/L.67 and Add.1)]

61/295. United Nations Declaration on the Rights of Indigenous Peoples

The General Assembly,

Taking note of the recommendation of the Human Rights Council contained in its resolution 1/2 of 29 June 2006,¹ by which the Council adopted the text of the United Nations Declaration on the Rights of Indigenous Peoples,

Recalling its resolution 61/178 of 20 December 2006, by which it decided to defer consideration of and action on the Declaration to allow time for further consultations thereon, and also decided to conclude its consideration before the end of the sixty-first session of the General Assembly,

Adopts the United Nations Declaration on the Rights of Indigenous Peoples as contained in the annex to the present resolution.

*107th plenary meeting
13 September 2007*

Annex

United Nations Declaration on the Rights of Indigenous Peoples

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and good faith in the fulfilment of the obligations assumed by States in accordance with the Charter,

¹ See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53 (A/61/53)*, part one, chap. II, sect. A.

Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

Affirming also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

Reaffirming that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

Recognizing also the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur,

Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

Recognizing that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

Emphasizing the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,

Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

Considering that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

Considering also that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

Acknowledging that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights² and the International Covenant on Civil and Political Rights,² as well as the Vienna Declaration and Programme of Action,³ affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Bearing in mind that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law,

Convinced that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

Encouraging States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

Emphasizing that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,

Believing that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

Recognizing and reaffirming that indigenous individuals are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

Recognizing that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,

Solemnly proclaims the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect:

² See resolution 2200 A (XXI), annex.

³ A/CONF.157/24 (Part I), chap. III.

Article 1

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights⁴ and international human rights law.

Article 2

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

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.

Article 6

Every indigenous individual has the right to a nationality.

Article 7

1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

⁴ Resolution 217 A (III).

Article 8

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for:
 - (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
 - (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
 - (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
 - (d) Any form of forced assimilation or integration;
 - (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

Article 9

Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 11

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12

1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

Article 15

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.

2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

Article 16

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.

2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

Article 17

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.

2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.

3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

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.

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.

Article 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 22

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

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 and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 24

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

Article 25

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Article 29

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

Article 30

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.

2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Article 33

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.

2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

Article 34

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

Article 35

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

Article 36

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.

2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

Article 37

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.

2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

Article 38

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

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.

Article 40

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

Article 41

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

Article 42

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

Article 43

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 44

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

Article 45

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

Article 46

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.

3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

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