



YOU'RE INVITED!

UNDRIP & PROPERTY RIGHTS IN CANADA

DISCUSSION

What impact could UNDRIP have on you, our communities, and our future?



THURSDAY

29 February, 2024



STARTS AT

6:30PM - 8:00PM (PST)



Zoom (pre-registration link):

<http://tinyurl.com/UNDRIP-Property>

An event brought to you by BCRising.ca

Keynote speaker: Bruce Pardy

Executive Director of RightsProbe.org
Professor of Law, Queen's University
Senior Fellow, Fraser Institute

With community leaders across BC and Canada for discussion and Q&A.

A Canadian / BC legal and practical perspective.

UNDRIP: United Nations Declaration on the Rights of Indigenous Peoples

Bruce Pardy
Executive Director, Rights Probe
Professor of Law, Queen's Univ

RightsProbe.org

govTogetherBC

Land Act Amendments

Overview

Who: The Ministry of Water, Land and Resource Stewardship

What: A legislative amendment to enable agreements with Indigenous Governing Bodies to share decision-making about public land use

Where: Province-wide

Bruce Pardy
Executive Director, Rights Probe
Professor of Law, Queen's Univ

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**Proposal to enable *Land Act* decisions to be
made with Indigenous Governing Bodies**

Virtual Consultation Session

Presented by the Ministry of Water, Land and Resource Stewardship

Bruce Pardy
Executive Director, Rights Probe
Professor of Law, Queen's Univ

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Politics / Opinion / News / Local News / Columnists

Vaughn Palmer: B.C. NDP quietly consult on sweeping changes to managing public lands

Opinion: Timeline suggests government has already decided how it will co-manage lands with Indigenous governments

mcmillan

CAREERS OFFICE
Our People - Expertise -

PUBLICATIONS

BC Government Consulting on New Law to Give Indigenous Groups Control over Crown Land Decisions

2/16/24, 11:20 PM Uzelman: B.C. government to share land use authority with First Nations - Terrace Standard

TERRACE STANDARD

Uzelman: B.C. government to share land use authority with First Nations

Black Press Submitted
Feb 13, 2024 11:15 AM

NATIONAL POST

Canada World Financial Post NP Comment Longreads Life Epaper Driving Manage Print Subscription

NP Comment

Bruce Parry: B.C.'s plan to 'reconcile' by giving First Nations a veto on land use

UNDRIP-inspired land law reforms are poised to turn province into an untenable host for mining, forestry and much more

ANGUS REID INSTITUTE

Canada's Non-Profit Foundation Committed to Independent Research

B.C. Land Act: Voters divided over increased decision-making authority for Indigenous governments

Why Land Act changes are causing angst in B.C.

Land Act is just one of the statutes to be amended to conform to DRIPA

By Nelson Bennett | February 2, 2024, 9:48am



B.C. prepares legislation to share decision-making power with Indigenous groups over public lands



NANAIMO NEWS BULLETIN

B.C. minister says land act changes don't give First Nations veto power



[Wolf Depner](#)

Feb 12, 2024 7:30 AM

Bruce Pardy
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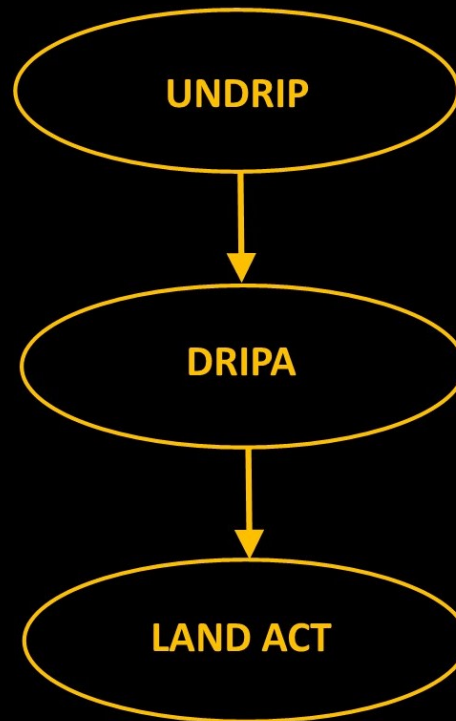


“... claims being made about the proposed legislation by some were not true ...there would be no impacts to tenures, renewals, private properties or access to Crown land.”

“... our government has decided not to proceed with proposed amendments to the Land Act.”

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UNDRIP

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

13 September 2007

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...

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Professor of Law, Queen's Univ

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UNDRIP

UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

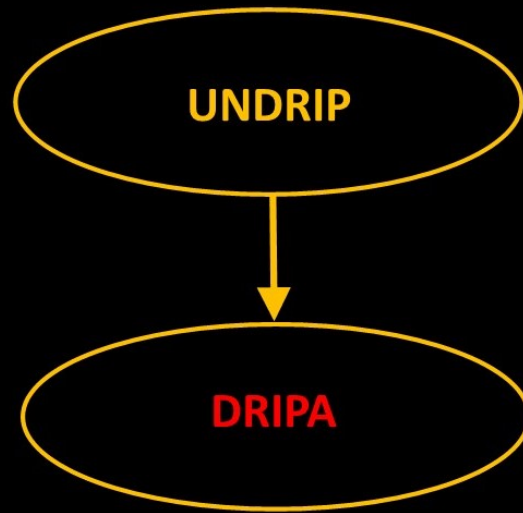
13 September 2007

Article 26

Indigenous **peoples** have the **right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired. ... to own, use, develop and control** ... States shall give legal recognition and protection to these lands, territories and resources. ...

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DRIPA

DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES ACT

[SBC 2019] CHAPTER 44

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 [UNDRIP].**

Bruce Pardy
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DRIPA

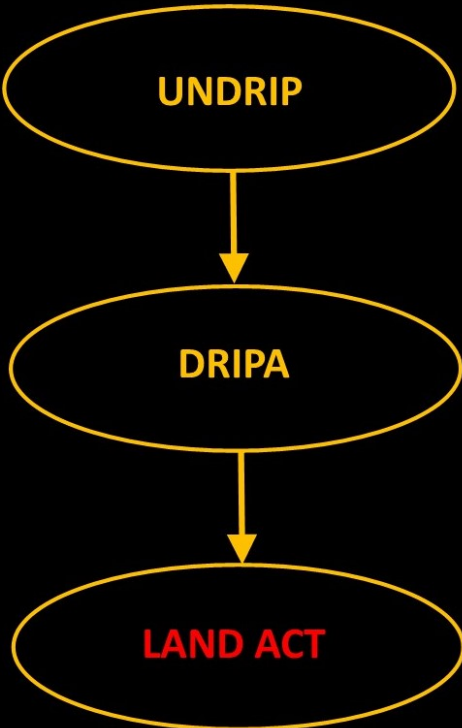
DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES ACT

[SBC 2019] CHAPTER 44

7 (1) For the purposes of reconciliation, [Cabinet] may authorize ... agreement(s) with Indigenous governing bod(ies) for:

(a) the exercise of a statutory power of decision **jointly** by
(i) the Indigenous governing body, and
(ii) the government or another decision-maker;

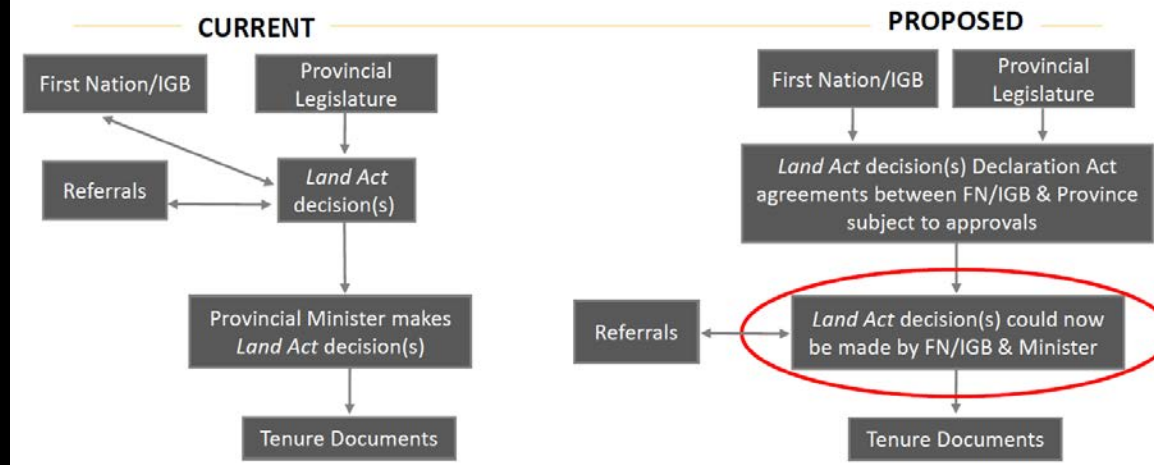
(b) the **consent** of the Indigenous governing body before the exercise of a statutory power of decision.



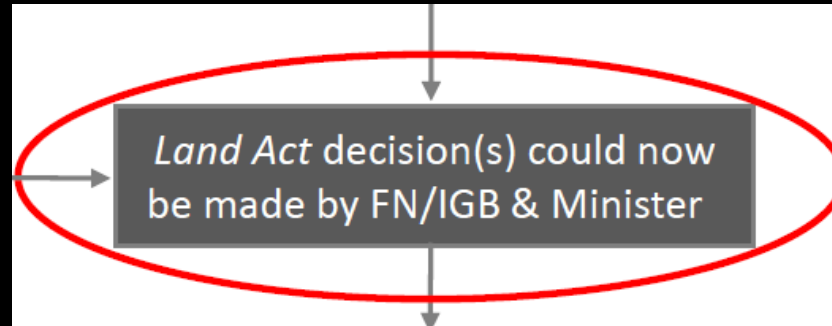
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Objective



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“Joint and consent decision-making agreements”

LAND ACT

[RSBC 1996] CHAPTER 245

4 The minister has the administration of all Crown land except land specifically under the administration of another minister, branch or agency of government.

11 (2) The minister may ...

- (a) sell Crown land,**
- (b) lease Crown land,**
- (c) grant a right of way or easement over Crown land,**
- (d) grant a licence to occupy Crown land ...**

(3) In a disposition of Crown land under this section, the minister may impose the terms, covenants, stipulations and reservations the minister considers advisable ...

DRIPA

DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES ACT

[SBC 2019] CHAPTER 44

7 (1) For the purposes of reconciliation, [Cabinet] may authorize ... agreement(s) with Indigenous governing bod(ies) for:

(a) the exercise of a statutory power of decision jointly by
(i) the Indigenous governing body, and
(ii) the government or another decision-maker;

(b) the consent of the Indigenous governing body before the exercise of a statutory power of decision.

Already happening:

Without legislative amendments:

**Egs. Pender Harbour – Dock Management Plan
(Local authorities won't provide permit without
until band has given approval etc)**

Eskay Mine consent agreement

With legislative amendments: eg. Forest Act



Watershed Security Strategy and Fund Intentions Paper

Policy intention 2:

Align the *Watershed Sustainability Act* and new and related policies with the UN Declaration

Bruce Parry
Executive Director, Rights Probe
Professor of Law, Queen's Univ

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**The law is not the refuge that you
may imagine.**

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**Your property rights are at risk.
But they have been for a long time.**

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Property 101

1. **Property is not a thing, but a kind of legal right.**
2. **Property rights are not constitutionally protected (except Aboriginal group rights in s. 35).**
3. **Statutes trump property rights. If a statute says so, property can be taken, regulated, limited, taxed, etc, by administrative action.**
4. **Statutes can take away the right to compensation for a taking of property.**

Solutions

Short term: **repeal DRIPA**

Longer term: **auction off Crown land**

Aspirational:

1. Defeat the managerial revolution
2. Colourblind society
3. Individual rights, not group rights
4. Amend s. 35 of the Constitution