



IMPLEMENTING THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

The [Impact Assessment Agency of Canada](#) (IAAC or the Agency) works to advance the Government of Canada's commitment to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP or the Declaration) by meaningfully involving and partnering with Indigenous peoples during all phases of federal assessments. The Agency is committed to implementing the objectives of the Declaration through the [Impact Assessment Act](#), which was written with the implementation of the Declaration and supporting policies and procedures in mind.

Working together with Indigenous peoples—in a manner that promotes reconciliation, respects the rights and cultures of Indigenous peoples, and protects and ensures the inclusion of Indigenous knowledge—is at the core of federal assessments. The [United Nations Declaration on the Rights of Indigenous Peoples Act](#), which has now received Royal Assent, will further support, and advance the Agency's efforts in this area by requiring the Government to develop and implement an action plan to achieve the Declaration's objectives.

How the Declaration informs the Agency's work

The Declaration was foundational in the development of the *Impact Assessment Act*. The *Impact Assessment Act*, clearly states that the Government of Canada is committed to implementing the Declaration and to ensuring that the rights of Indigenous peoples are respected throughout federal impact assessments.

For example, the impact assessment system includes:

- early and regular engagement and participation
- collaboration and cooperation
- respect for Indigenous rights and jurisdiction
- mandatory consideration of Indigenous knowledge
- building Crown-Indigenous relations and capacity

These elements are consistent with the rights set out in the Declaration. As a result, the *Impact Assessment Act* already establishes a legislative and policy framework that align with the Declaration and does not need to be changed in light of the *United Nations Declaration on the Rights of Indigenous Peoples Act*.

The Declaration in practice

Consistent with the objectives and spirit of the Declaration, the Agency is advancing new and innovative partnerships with Indigenous peoples by collaborating on the assessment of project impacts and the development of policies and guidance. The Agency uses a model to consult with Indigenous peoples that emphasizes collaboration and consensus-building. Here are a few examples to illustrate.

Partnering with Indigenous communities

The Agency is committed to engaging with Indigenous communities in a meaningful way in all phases of its impact assessments. We work together from planning assessments all the way to the post-decision phase, and through ongoing monitoring post-assessment.

The *Impact Assessment Act* and its supporting policy framework provide for Indigenous communities to:

- collaborate with the Agency to conduct parts of an assessment
- work in partnership with the Agency
- undertake Indigenous-led assessments
- lead parts of the Agency's assessment through delegation
- substitute an Indigenous jurisdiction's process for the federal assessment process

This model supports the Government of Canada's aim to secure free, prior and informed consent throughout the impact assessment process for all decisions that affect Indigenous peoples' rights and interests. The approach to achieving free, prior and informed consent is based on ensuring meaningful and effective participation of Indigenous peoples from the outset and will vary based on the project impacts and the interests of Indigenous peoples in the vicinity of the project.

Respect for Indigenous rights and jurisdiction

The *Impact Assessment Act* requires that Indigenous rights and culture be considered in decision-making at key points in the process. The Agency works in close collaboration with Indigenous rights-holders to assess potential impacts from proposed projects on rights, with the aim of reaching consensus on the content of the assessment.

The *Impact Assessment Act* also contains an expanded definition of jurisdiction to enable

- cooperation with a wider spectrum of Indigenous jurisdictions
- the authority to enter into agreements with Indigenous governing bodies, once regulations are in place

These regulations are to be developed in collaboration with Indigenous peoples. Following implementation of this regulatory framework, Indigenous governing bodies would have greater opportunities to exercise powers, duties and functions under the *Impact Assessment Act*.

Additionally, the *Impact Assessment Act* requires decision-makers to consider any assessments done independently by Indigenous communities, including those who have not entered into arrangements with the Crown.

Indigenous knowledge

The *Impact Assessment Act* provides for the mandatory consideration and protection of Indigenous knowledge for federal impact assessments of designated projects. [Policy related to Indigenous knowledge](#) has been developed in collaboration with Indigenous peoples which further define the Agency's commitment and approach to working respectfully with Indigenous knowledge holders.

Crown-Indigenous relations and capacity

The Agency has also collaborated with Indigenous peoples to develop policy and guidance for the implementation of the *Impact Assessment Act* in the spirit of the Declaration. As required under the *Impact Assessment Act*, an [Indigenous Advisory Committee](#) was established in 2019 to advise the Agency on the development of policies and guidance.

Between 2018 and 2020, the Agency led national engagement processes to hear directly from Indigenous peoples across the country on the topics of Indigenous knowledge, the assessment of the potential project impacts on the rights of Indigenous peoples, and collaboration with Indigenous peoples in federal impact assessment. The Agency will continue to engage with Indigenous peoples, and fund engagement opportunities, as policy development continues.

Since the fall of 2019, over \$14.1 million in [funding](#) has been provided to support the capacity development of Indigenous organizations and communities. \$7.1 million in grants and contributions have also been administered to ensure the timely and meaningful participation of Indigenous peoples in federal assessments in Canada.

Path forward

Implementing the *United Nations Declaration on the Rights of Indigenous Peoples Act* has the potential to make meaningful change to how Indigenous peoples, communities, and businesses collaborate in impact assessment. While this Act does not directly change the *Impact Assessment Act*, it further supports Canada's commitment to implement the Declaration with respect to Indigenous land and resource rights. The Agency is committed to:

- centering reconciliation in its work
- creating the ethical space needed to collaborate with Indigenous people:
- continuing to work with Indigenous peoples to evolve the Agency's best practices in impact assessment processes
- further respecting the rights affirmed in the Declaration

Government and proponents of major projects in Canada will continue to be bound by all existing legal obligations and requirements. *The Impact Assessment Act* is no exception and was written to meet these existing requirements in the development of its processes, guidelines and policies.

The *Impact Assessment Act* lays out requirements and opportunities that enable new ways of respecting the Declaration in impact assessment. As relationships and collaboration between governments and Indigenous governing bodies continue to develop and strengthen, the Agency will be able to further enhance our processes and procedures.

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[CANADA.CA/DECLARATION](https://canada.ca/declaration)