

Impact Assessment Agency of Canada

Progress on the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA) Action Plan

Issue

The Committee for the Regional Assessment of Offshore Wind Development in Newfoundland and Labrador requests that information on the Government of Canada's progress to date with the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA) Action Plan, and more specifically, where the Impact Assessment Agency of Canada (the Agency) is with implementation.

UNDA Action Plan

- On June 21, 2023, the Government of Canada released the [United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan](#), which was developed in collaboration and consultation with Indigenous Peoples.
- The Action Plan contains over 180 measures that cover the scope of 28 federal departments and agencies. Commitments touch on a wide range of topics such as self-determination, free prior and informed consent, environment, resources, and health.
- The Impact Assessment Agency is represented in measure 51, which reaffirms the Agency's commitment to implement the *Impact Assessment Act* in alignment with the Declaration:

The Impact Assessment Agency will implement the *Impact Assessment Act* (IAA) in a way that aligns with the objectives and spirit of the Declaration. This includes, but is not limited to:

- Carrying out impact assessments in a manner that emphasizes the need to seek free, prior, and informed consent
- Maximizing Indigenous collaboration and partnership, including the advancement of regulations to enable agreements under p.114(1)(d) and (e) of the IAA
- Early, consistent, and meaningful engagement and participation through all phases of impact assessment
- Respect for Indigenous rights, culture and jurisdiction
- Mandatory consideration of Indigenous Knowledge in impact assessment
- Continually building Crown-Indigenous relations
- Supporting Indigenous capacity in impact assessment
- Consideration of health, social and economic factors, including impacts to women, youth and elders
- Consideration of any cumulative effects that are likely to result from a designated project in combination with other physical activities that have been or will be carried out (Impact Assessment Agency of Canada)

Excerpt from [Second annual progress report on implementation of the United Nations Declaration on the Rights of Indigenous Peoples Act](#)

- The measure developed by the Agency reflects the main concerns raised in the majority of proposals received from Indigenous partners related to impact assessment.

- The Agency is also working with departmental partners in coordinating and advancing both the Agency's measure and those that may impact the Agency. Notably:
 - The Canadian Energy Regulator and Natural Resources Canada measure co-developed with the Indigenous Caucus of the Trans Mountain Expansion Indigenous Advisory and Monitoring Committee, which explores the potential for Indigenous decision-making institutions to exercise regulatory authority over federally regulated projects.
 - Natural Resources Canada measure to develop guidance on engaging with Indigenous Peoples on natural resources projects.

Annual Report

- The [Second annual progress report on implementation of the United Nations Declaration on the Rights of Indigenous Peoples Act](#) (the report), published in July 2023, provides an overview of work done to date by the Government of Canada to implement the UNDA. The report focuses on the following key areas of progress:
 - Consulting and cooperating with Indigenous peoples to co-develop the Action Plan and ensure the consistency of laws;
 - The phases of developing the Action Plan, including Indigenous perspectives on the development;
 - Establishing a rights-based framework for reporting; and
 - Ongoing work to achieve the objectives of the Declaration beyond what may appear in the Action Plan.
- Key Agency initiatives that demonstrate progress on implementation of the UN Declaration are highlighted in the annex of the report as follows:

Impact Assessment Agency of Canada (IAAC)

Indigenous Knowledge Policy Framework for Project Reviews and Regulatory Decisions

Summary: The Indigenous Knowledge Policy Framework for Project Reviews and Regulatory Decisions was published September 26, 2022. The purpose of the framework is to support the consistent application of provisions dealing with Indigenous Knowledge in the Impact Assessment Act (IAA), the Canadian Energy Regulator Act, the Canadian Navigable Waters Act and the fish and fish habitat protection provisions of the Fisheries Act.

UN Declaration alignment (relevant Articles): 31(1), 31(2), 43

Seeking Free, Prior and Informed Consent in Impact Assessment – Example of the Marathon Palladium Project

Summary: The Marathon Palladium Project (the Project) is a proposed palladium mine located along the shores of the Biigtig Zibi (Pic River) nine kilometres north of Biigtigong Nishnaabeg's reserve. Biigtigong Nishnaabeg indicated its support for the Project through a community ratification process held in November 2022. In this vote, a majority of community members supported the Project, the Community Benefit Agreement that had been negotiated with the proponent, as well as the Crown's accommodation package.

UN Declaration alignment (relevant Articles): 18, 19, 20, 26, 32

Indigenous Capacity Support Program

Summary: The objective of the Indigenous Capacity Support Program is to support and promote the meaningful participation and leadership of Indigenous Peoples in project assessments, regional and strategic assessments and assessment follow-up activities. To support this objective, financial assistance is provided outside the context of specific project assessments to Indigenous communities or organizations to carry out capacity-building activities.

UN Declaration alignment (relevant Articles): 5, 18, 19, 26, 32, 34

Excerpt from [Second annual progress report on implementation of the United Nations Declaration on the Rights of Indigenous Peoples Act](#)