

# **AN UNDRIP FRAMEWORK FOR ADVANCING THE FRASER BASIN COUNCIL'S INDIGENOUS- FOCUSED CLIMATE AND ENERGY RESILIENCE CAPACITY-BUILDING PROGRAMS**

**Prepared by:**

Christian Sopuruchi Godsfriend, UBC  
Sustainability Scholar 2023

**Prepared for:**

Eliana Chia, Program Manager, Climate Change  
Fraser Basin Council Vancouver, BC

September 2023

**Disclaimer:**

This report was produced as part of the UBC Sustainability Scholars Program, a partnership between the University of British Columbia and various local governments and organizations in support of providing graduate students with opportunities to do applied research on projects that advance sustainability and climate action across the region.

This project was conducted under the mentorship of Fraser Basin Council staff. The opinions and recommendations in this report and any errors are those of the author and do not necessarily reflect the views of Fraser Basin Council or the University of British Columbia.

**Territory acknowledgement:**

The author acknowledges that the work for this project took place on the unceded ancestral lands of the xwməθkwəyəm (Musqueam), Skwxwú7mesh (Squamish), Stó:lō and Səlílwətaʔ/Selilwítlh (Tsleil- Waututh) Nations.

Contents

AN UNDRIP FRAMEWORK FOR ADVANCING THE FRASER BASIN COUNCIL'S INDIGENOUS-  
FOCUSED CLIMATE AND ENERGY RESILIENCE CAPACITY BUILDING PROGRAMS ..... 4

Introduction ..... 4

**Introducing FBC:** ..... 8

    Introducing the CERCB programs of FBC: ..... 8

    Introducing the United Nations Declaration on the Rights of Indigenous Peoples UNDRIP: ..... 12

Why UNDRIP instead of the UNDRIP ACT OF CANADA or the DRIPA ACT OF BC? ..... 13

Framework parameters ..... 13

UNDRIP Compliance Measurement Analysis Toolkit (UCMAT) ..... 17

    Evaluation Metric ..... 17

    UCMAT Application to Identified Parameters ..... 18

UNDRIP Framework Maintenance Methods ..... 19

**Conclusion** ..... 20

## AN UNDRIP FRAMEWORK FOR ADVANCING THE FRASER BASIN COUNCIL'S INDIGENOUS-FOCUSED CLIMATE AND ENERGY RESILIENCE CAPACITY-BUILDING PROGRAMS

### Purpose/ Rationale

In 2016, the Government of Canada endorsed the United Nations Declaration on the Rights of Indigenous Peoples (“UNDRIP” or “the Declaration”) without qualification and committed to its full and effective implementation.<sup>1</sup> The Declaration addresses both individual and collective rights; cultural rights and identity; rights to education, health, employment, language, and others. It outlaws discrimination against Indigenous peoples and promotes their full and effective participation in all matters that concern them.<sup>2</sup> It also ensures their right to remain distinct and to pursue their priorities in economic, social, and cultural development. Advancing UNDRIP and upholding Indigenous rights is the responsibility of every citizen, private and civil society, and not only the government.

A key objective of the Fraser Basin Council’s (FBC) Indigenous-focused climate and energy resilience work is to advance UNDRIP. The purpose of the project is to develop a proposed UNDRIP Framework to ensure alignment between FBC’s Indigenous-focused climate and energy resilience capacity-building work with UNDRIP (“UNDRIP Framework”).

### Introduction

This project is properly situated in light of the growing relevance of Indigenous-focused Climate and Energy Resilience Capacity Building (CERCB) programs. This project will propose the needed framework based on UNDRIP for CERCB programs planned for Indigenous communities by the Fraser Basin Council (FBC). As FBC has three Indigenous-focused CERCB programs, which are the First Nations Home Energy Save (FNHES)<sup>3</sup> program that started in 2015, the Energy Peers in Indigenous Communities (EPIC Network)<sup>4</sup> initiated in 2022, and the Energy Efficiency Mentorship: Building Indigenous Capacity for Energy-Efficient Housing Program, initiated in 2023.<sup>5</sup> I will be proposing a workable framework that the FBC can adapt for its three programs across British Columbia (BC).

This project aims to outline how the three designated CERCB programs within the FBC should adhere to the principles of UNDRIP. The project plan delves deeper into articulating that the fundamental intent of the CERCB programs revolves around formulating an UNDRIP Framework. This framework's primary objective is to establish a clear connection between FBC's initiatives aimed at bolstering climate and energy resilience with a specific focus on Indigenous communities across the province, and the tenets outlined in UNDRIP. This Framework will subsequently chart a course for FBC to honor its commitment to advancing UNDRIP and equipping Indigenous communities and peoples with the

---

<sup>1</sup> Tim Fontaine, 'Indigenous Canada Officially Adopts UN Declaration on Rights of Indigenous Peoples' (CBC News Canada, 10 May 2016) <https://www.cbc.ca/news/indigenous/canada-adopting-implementing-un-rights-declaration-1.3575272> accessed 18th September 2023.

<sup>2</sup> Articles 2 - 18 UNDRIP 2007.

<sup>3</sup> FBC, 'First Nations Home EnergySave Learning Grant Program' (FBC June 2023) [https://www.fraserbasin.bc.ca/FNHES\\_Grants.html#:~:text=The%20First%20Nations%20Home%20EnergySave,through%20training%20and%20skills%20development](https://www.fraserbasin.bc.ca/FNHES_Grants.html#:~:text=The%20First%20Nations%20Home%20EnergySave,through%20training%20and%20skills%20development) accessed 2nd September 2023.

<sup>4</sup> FBC, 'Energy Peers in Indigenous Communities (EPIC) Network' (FBC June 2023) <https://www.fraserbasin.bc.ca/epicnetwork.html> accessed 2nd September 2023.

<sup>5</sup> FBC, 'Energy Efficiency Mentorship Program' (FBC 2023) accessed 2nd September 2023.

essential competencies, insights, skills, knowledge, tools, and resources required to actively address the concerns of climate change. This UNDRIP Framework will be applied to FBC's climate and energy resilience capacity building delivered across BC.

This framework will be a template to be measured against FBC actions through their Indigenous-focused CERCB programs. It is recommended that this framework be applied from a pre-, mid-, and post-project lens. Thus, this framework becomes both a lens to see projects from and a measuring tool to evaluate projects after they are done. Considering that Indigenous peoples in Canada have called for the UNDRIP to be the national framework for reconciliation,<sup>6</sup> it is appropriate to engage this framework from a mindset that is aware of and intends to foster reconciliation, restoration, and restitution. While I am aware that these three responsibilities reside with a formal government body, private organizations like the FBC can pursue actions through a perspective that recognizes these principles. I have included a tool for measuring compliance with this framework within these pages as well.<sup>7</sup>

I will be identifying and analyzing particular articles of UNDRIP with the objective of advancing their implementation through an FBC CERCB program. Considering that Indigenous peoples are the core and focus of these programs, I will be framing this framework from a perspective that is unique to Indigenous aspirations as enunciated in the UNDRIP. These influences include the UNDRIP itself, the nature of UNDRIP compliance frameworks of other organizations as discovered from systematic desktop review,<sup>8</sup> related documents like the TRC Canada Calls to Action, and the direction from the perspectives of Indigenous peoples and staff of Indigenous-led organizations, FBC staff, and FBC partner organizations. These perspectives were gleaned from interviews, conducted with full confidentiality. The UNDRIP, the perspective of other Indigenous compliance frameworks, and the perspectives of Indigenous-led organizations are chosen as influences to this research because they most exemplify in a cogent form the nature of aspirations which this framework is modeled after. It is from these influences that the principles within this framework are distilled and adapted to the CERCB programs of FBC. I go further in this research to creatively tailor the form of principles required in a project of this sort by ensuring that I am aware of the unique form of responsibility that a framework of this nature requires from FBC. A document like the TRC Canada Calls to Action influenced the creation of this document as it represents action by the government geared towards confronting the injustices against Indigenous peoples and also serves as an important gauge of the Canadian public opinion on issues that concern Indigenous peoples.

In this framework, I identified six parameters from the UNDRIP from which CERCB programs should be framed. I then proposed the UNDRIP Compliance Measurement Analysis Tool (UCMAT) with five evaluation metrics. I evaluated five broad themes that encompassed the identified parameters and applied the metric to them. As a sustainability measure, I proposed an UNDRIP Framework Maintenance Method.

---

<sup>6</sup> Article 45 (2) Truth and Reconciliation Commission of Canada: Calls to Action

<sup>7</sup> Article 56 *ibid*

<sup>8</sup> For example, Tara Marsden Naxginkw, The United Nations Declaration on the Rights of Indigenous Peoples Healthy Watersheds Initiative Evaluation Framework and Report (2022) <https://healthywatersheds.ca/wp-content/uploads/2022/06/UNDRIP-Evaluation.pdf> accessed on 25th July 2023.

## The perspectives from the interviews

This research was developed to inculcate and require interviews from not-for-profit organizations within BC and Canada, the program partners of the CERCB, and the Indigenous and settler staff of FBC. The purpose of the interviews with other not-for-profits was stated in the program plan to be to 'gather information on challenges, successes, and lessons learned'; the interview with the program partners would help to distill 'recommendations for priority areas for an UNDRIP Framework for FBC's climate and energy resilience capacity'; while the interview with FBC staff will provide information on the nature of the CERCB programs.

I found these interviews to be both deeply enlightening and a window into realizing the interviewees' understanding of the nature of the CERCB programs, the strength of the UNDRIP and its adaptations in the form of the UNDRIP Act of Canada and the DRIPA Act of BC and an expression of hope for what an UNDRIP regime would portend for a private organization like FBC. Here are my five key findings from an analysis and summary of the interviews:

- Diverse Understanding of UNDRIP: The interviewees showcased varying levels of familiarity with the legal ramifications of the UNDRIP. While some interviewees possessed in-depth knowledge, others admitted only a basic understanding of its principles and implications. This suggests that there was no uniform comprehension of the legal significance of the UNDRIP among the interviewees.
- Importance of Indigenous-Led Approaches: Multiple interviewees emphasized the paramountcy of Indigenous-led approaches influenced by the UNDRIP when implementing projects connected with Indigenous peoples. It was often highlighted that there existed the need for Indigenous communities to have a leading role in decision-making processes, including in the creation of UNDRIP frameworks. This focus on Indigenous leadership originates from a desire to respect the diversity of Indigenous perspectives and ensure genuine engagement with Indigenous communities.
- Challenges and Transformative Efforts: Interviewees consistently acknowledged the challenges associated with adopting UNDRIP principles within private organizations, especially as it concerns the issues of retaining Indigenous persons at staff levels and addressing historical inequalities. However, they also shared stories of transformative efforts, where the adoption of the UNDRIP led to increased funding for Indigenous-led projects, strengthened relationships with Indigenous communities, and shifts towards co-governance between Indigenous people, communities, and ally organizations.
- Framework Creation and Meaningful Engagement: The idea of creating specific frameworks to operationalize UNDRIP within organizations in civil society emerged as a common thread. Interviewees highlighted the importance of such frameworks being co-created with Indigenous communities and host nations to ensure credibility, meaningful engagement, and consensus-driven decision-making.
- Gaps in Implementation and Continuous Learning: While several interviewees discussed successes in implementing UNDRIP principles, they also acknowledged gaps and areas for improvement. These included ensuring that the internal policies and practices of organizations that intend to adopt an UNDRIP framework are in alignment, providing

continuous education for staff, fostering a culture of reconciliation, and seeking external recommendations or audits to enhance UNDRIP compliance.

- Overall, the interviews reflect a range of perspectives on UNDRIP's application within non-profit organizations and highlight the complexities and nuances of effectively integrating its principles into various operational contexts.

### Perspective from Other UNDRIP Frameworks

For this research, the only comparatively similar framework I discovered was the Healthy Watersheds Initiative Evaluation Framework and Report.<sup>9</sup> In this report, the Healthy Watersheds Initiative (HWI) strongly aligns itself with the UNDRIP, with a focus on Indigenous rights in watershed conservation. HWI emphasizes community-driven efforts, post-COVID-19 recovery, and UNDRIP promotion. This report integrates UNDRIP principles, recognizing the role of funders in Indigenous rights advancement. The report underscores HWI's unique independent funding status and highlights collaboration with Indigenous communities. It also acknowledges environmental funders' potential impact on UNDRIP through financial and policy support. HWI's commitment to UNDRIP and Indigenous community support is commendable, exemplifying self-assessment and serving as a model for others. While it is acknowledged that there is a clear influence of the HWI Evaluation Framework and Report on this current framework for the FBC CERCB programs, there are still multiple distinguishing features. This CERCB framework for example contains more robust reflections, an UNDRIP Compliance Measurement Analysis Toolkit (UCMAT), an evaluation framework, and a clear recommendation on operative practical UNDRIP Framework Maintenance methods.

Overall, both the interviews and the compared frameworks reflect a range of perspectives on UNDRIP's application within non-profit organizations and highlight the complexities and nuances of effectively integrating its principles into various operational contexts.

### Nature of the Project and Author

This project was created under the UBC Sustainability Scholars Program for the Summer of 2023. The Sustainability Scholars Program is a research internship program.<sup>10</sup> In this program, UBC graduate students are matched with sustainability partners to work on applied research projects that advance sustainability across the region. FBC is a sustainability partner to UBC and Christian Sopuruchi is the scholar matched to FBC for the purpose of this project. This research was therefore produced by Christian Sopuruchi on behalf of FBC.<sup>11</sup>

---

<sup>9</sup> Ibid.

<sup>10</sup> The University of British Columbia, 'Sustainability Scholars Program' (University of British Columbia 2023) <<https://sustain.ubc.ca/teaching-applied-learning/ubc-sustainability-scholars-program>> accessed 15 September 2023.

<sup>11</sup> As this project is produced under a mentor within the partner organization, the input of mentors within FBC was important to the success of this research.

## Introducing FBC:

The Fraser Basin Council (FBC or the Council) is a charitable non-profit organization that aims to bring people together to advance sustainability solutions and practices in BC, in alignment with FBC's vision for 'social well-being supported by a vibrant economy and sustained by a healthy environment.' The Council's strategic priorities are to build sustainable and resilient communities, take action on climate change, and support healthy watersheds and water resources.<sup>12</sup>

The Fraser Basin Council was established in 1997 as a partnership initiative among the four orders of the Canadian government (First Nations, federal, provincial, local), and other stakeholders (private sector and civil society) to address the complex challenges facing the Fraser Basin region.<sup>13</sup> The council's primary goal is to utilize collaborative and creative methods in fostering a healthy, resilient, and sustainable Fraser Basin for both present and future generations. This it intends to achieve through a mechanism that engages diverse perspectives encourages exchange and features Indigenous-led actions. One significant feature of FBC is its collaboration of four orders of government. FBC works to foster the social, environmental, and economic well-being of communities. To achieve this, FBC supports initiatives that lead to collaborative action among communities, Indigenous peoples, and organizations. These initiatives aim to result in increased community resilience and sustainable economic development.<sup>14</sup>

The Fraser Basin Council's head office is located in Downtown Vancouver, BC,<sup>15</sup> Canada on the unceded traditional territories of the xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish), and səliłwətał (Tsleil-Waututh) Nations, with several regional offices in the Fraser Valley (Chilliwack), Thompson (Kamloops), Cariboo Chilcotin (Williams Lake), and Northern Interior (Prince George). In addition, FBC has staff located in Vernon.

## Introducing the CERCB programs of FBC:

A strategic program priority of FBC is to act on climate change, which includes the objectives to reduce greenhouse gas emissions, improve energy efficiency in communities, and increase the adaptive capacity of BC communities in the face of a changing climate. FBC is working to achieve these objectives through the implementation of the CERCB programs mentioned previously, intended to empower Indigenous communities to advance the planning and implementation of renewable energy projects in their communities and to improve efficiency in new and existing buildings, and through initiatives aimed at enhancing community resilience in the face of worsening climate change impacts.<sup>16</sup> The CERCB programs invest heavily in supporting capacity, knowledge, and skills development through capacity funding, peer training, and networking, providing better access to

---

<sup>12</sup> FBC, 'About the Fraser Basin Council' (*Fraser Basin Council* 2023) <https://www.fraserbasin.bc.ca/> accessed 13 September 2023.

<sup>13</sup> Ibid.

<sup>14</sup> FBC, 'Annual Highlights 2019-2020: Our Work For Sustainability' (*Fraser Basin Council* 2020) [https://www.fraserbasin.bc.ca/Library/Annual\\_Highlights/FBC\\_AnnualHighlights\\_2019-2020.pdf](https://www.fraserbasin.bc.ca/Library/Annual_Highlights/FBC_AnnualHighlights_2019-2020.pdf) accessed August 30 2023.

<sup>15</sup> The FBC's Main Office is at 1st Floor, 470 Granville Street Vancouver, BC V6C 1V5. However, the organization also has a number of regional offices like the Thompson Regional Office at 200A — 1383 McGill Road Kamloops, BC V2C 6K7; the Cariboo-Chilcotin Regional Office at 104 — 197 Second Avenue North Williams Lake, BC V2G 1Z5, and the Northern Interior Regional Office at Suite 507, 1488 - 4th Ave Prince George, BC V2L 4Y2. This information is available at [https://www.fraserbasin.bc.ca/about\\_offices.html](https://www.fraserbasin.bc.ca/about_offices.html).

<sup>16</sup> FBC (n 15).



resources, and by creating linkages with support organizations through ongoing collaboration. These collaborations provide technical guidance and expertise to Indigenous communities and peoples as they embark on their renewable energy and energy efficiency journeys. In addition, these collaborative efforts provide a platform for government agencies, NGOs, and industry representatives to partner with Indigenous peoples through funding and capacity development. Facilitating collaboration is a key approach taken by FBC overall, which has the essential objective within FBC CERCB programming to support Indigenous communities as they create more sustainable and resilient futures. It is against this backdrop that this project for developing an UNDRIP framework is framed.

*First Nations Home EnergySave (FNHES):*

The First Nations Home EnergySave (FNHES) program was created in 2015 to provide home energy management skills and to increase the energy efficiency of homes and buildings in First Nations communities in BC.<sup>17</sup> The program's vision is to empower Indigenous communities in BC to transition towards sustainable, healthy, affordable, and energy-efficient housing. The goal of the Program is to enable Indigenous leaders and administration staff to build their knowledge and capacity in the field of home energy management and equip them with the tools and information they need to support community members in managing energy use at home. The Program objectives are to: 1) Build local community capacity to plan for and implement energy-efficient new construction and retrofits, 2) Raise awareness about the value of energy-efficient housing and available resources to support this work, and 3) Share success stories of Indigenous communities and organizations. Program activities are intended to provide a comprehensive combination of services to meet the varying levels of energy and housing literacy in the FNHES network.

The FNHES Program is offered province-wide and focuses on rural and remote communities that have more difficulty accessing training, grants, and incentive programs. The current funding cycle goes to the end of August 2025.

In general, most band homes and community buildings are typical of First Nations housing between the 1960s and 1980s. During that time, construction occurred with little consideration for energy efficiency. A legacy of poor-quality reserve housing means that households in Indigenous communities in BC face considerably higher home energy costs. Investing in energy-efficient, sustainable, and affordable homes is key to addressing one of the many challenges Indigenous communities face. FNHES recognizes the critical need for efficient, affordable, healthy, and eco-friendly homes as part of a larger vision for sustainable built environments in Indigenous communities. Investment in energy-efficient housing is often considered the foundation for a sustainable and resilient future – reducing household emissions, improving indoor air quality, enhancing health outcomes, increasing quality of life, and creating jobs along the way.<sup>18</sup> The FNHES program aims to support Indigenous communities and organizations in their journey toward planning for housing that meets their social, economic, cultural, and climate needs.<sup>19</sup> Indigenous communities are moving towards housing models designed for their local context and which meet broader visions for sustainability, resilience, and climate action. Increasing energy efficiency will result in environmental,

---

<sup>17</sup> FBC (n 3).

<sup>18</sup> Vasilij Stoikov and Violetta Gassiy, 'Energy Efficiency of Housing as a Tool for Sustainable Development' (2018) 251 MATEC Web of Conferences 1.

<sup>19</sup> FBC (n 3).

social, and economic benefits and support the transition to healthier, more sustainable communities. This Program is intended to assist Indigenous energy and housing champions in connecting with the resources, training, partnerships, and funds they need to make their vision a reality.

The program provides community leaders with the appropriate toolkit to assist community members in managing energy use at home effectively, to reduce energy poverty among First Nations communities. Efficient energy use and affordability are fundamental to the sustainable development of Indigenous people and communities. FBC takes a collaborative approach by partnering with First Nations communities and organizations, government agencies, utilities, and skilled stakeholders to provide support and resources to communities to reduce the consumption of energy in on-reserve homes.<sup>20</sup> Some of the skills learned by participants of FNHES include how to retrofit homes, how to utilize modern technologies to make homes energy efficient, and how to use proper home insulation. This process of skill acquisition and knowledge development also promotes local employment and enables First Nations communities to be primary participants in the housing development of their communities. This valuable program, therefore, leads to improved living situations in First Nations communities and directly equips them with the required skills to build sustainable and resilient living spaces. An UNDRIP framework for projects like the FNHES that directly interact and interface with First Nations communities is a required step in developing trust and goodwill with the community.

*Energy Efficiency Mentorship: Building Indigenous Capacity for Energy-Efficient Housing Program (EEMP)*

The Fraser Basin Council and Richard Hall are co-co-delivering the Energy Efficiency Mentorship Program (EEMP), in partnership with the Aboriginal Housing Management Association (AHMA) and BC Institute of Technology (BCIT). The Program objectives and expected outcomes include: 1- Build capacity and knowledge on energy efficient buildings within a cohort of Indigenous building specialists; 2- Raise awareness about energy efficient best practices and standards amongst Indigenous communities; and 3- Facilitate Indigenous-led education on energy efficient buildings for Indigenous communities.<sup>21</sup>

As noted while discussing FNHES, most band homes and community buildings are typical of First Nations housing between the 1960s and 1980s.<sup>22</sup> During that time, construction occurred with little consideration for energy efficiency. The current prevalent conditions of poor-quality on-reserve housing for under-resourced Indigenous communities are primarily due to the legacy of colonization and the *Indian Act*.<sup>23</sup> Indigenous communities have been struggling with limited federal funding for housing and face ongoing pressures on housing demand, leading to the construction of cheaper homes with shorter lifespans and expensive maintenance costs. Both Indigenous community resources and staff capacity are stretched by a continuing colonial system that facilitates dependence on federal funding.

Due to a gap in the availability of Indigenous energy efficiency trainers, non-Indigenous contractors are often hired to deliver education and services to Indigenous communities. Ultimately, Indigenous peoples better understand the challenges and limitations their communities face when delivering energy efficiency training for the local context. The Energy Efficiency Mentorship Program helps to

---

<sup>20</sup> Ibid.

<sup>21</sup> FBC (n 5).

<sup>22</sup> Tracey MacTavish and others, 'A participatory process for the design of housing for a First Nations Community' (2012) *Journal of House and the Built Environment* 1.

<sup>23</sup> Ibid.

strengthen Indigenous representation and economic participation in training opportunities for Indigenous communities.

The recently expanded three-year program builds upon lessons learned and strategic guidance received from partners of the pilot project that took place in 2021/22. The current funding cycle goes to the end of December 2026. The EEMP program partners aim to recruit two groups of eight new cohort members, (for a total of sixteen new cohort members) alongside the existing six cohort members from the Pilot (for a total of 22 cohort members). Each cohort will complete a six-part virtual training series, instructed by Richard Hall, BCIT, and AHMA, accompanied by a 3-day in-person workshop at BCIT, facilitated by BCIT and AHMA.

After completing their training, the trainees will help teach ‘Energy Efficiency 101’ workshops in 12 First Nations communities to help introduce energy-efficient practices for maintaining homes.<sup>24</sup>

#### *The Energy Peers in Indigenous Communities (EPIC) Network Program*

The EPIC Network program is a project that builds on the capacity, knowledge, and skills related to renewable energy in Indigenous communities in BC.<sup>25</sup> The EPIC Network program supports a cohort of participants (called Community Energy Champions) with a peer-to-peer cohort and peer mentorship approach to building and sharing knowledge, networking and engagement, skills development, and training on renewable energy.

The program provides capacity-building funds to Indigenous communities to advance their energy goals related to community renewable energy. Funding is available for eight (8) communities to hire an energy champion.

The EPIC Network is also a platform for collaborative knowledge-sharing among Indigenous communities. Indigenous communities are provided with training, technical support, and mentorship that will enable them to take charge of their energy futures and advance sustainable energy practices that are in line with their cultural values and goals.

The EPIC network also provides a network of peers who have undertaken or will undertake energy projects in varying orders of expertise. This peered approach nurtures communal learning, the exchange of workable solutions, methods, and expertise. As a corollary of FBC’s characteristic collaborative mechanism, the EPIC Network further amalgamates the contribution of Indigenous communities, organizations and industries, and government departments towards the ends of developing sustainable energy projects.<sup>26</sup> The Network’s goals are:

- To increase the capacity of Indigenous communities in BC to progress their community energy goals and to participate in the renewable energy sector.
- To provide opportunities for Indigenous communities to increase their energy resilience and to realize their energy independence and sovereignty goals.
- To empower Indigenous communities to take climate action to reduce greenhouse gas (GHG) emissions.
- To maximize community social and economic benefits of clean energy initiatives.

---

<sup>24</sup> FBC (n 5).

<sup>25</sup> FBC (n 4).

<sup>26</sup> Ibid.

Benefits of renewable energy in Indigenous communities include:

- Lower electricity costs as a result of renewable energy project ownership (small non-utility scale, under 100Kw) renewable energy project ownership)
- Sustainable revenue stream as a result of renewable energy project ownership (over 100Kw)
- Increased energy resilience
- Increased energy independence, self-determination, and sovereignty
- Socioeconomic benefits from energy sector job creation, such as employment opportunities resulting from installation, operations, and maintenance training and work.

A noteworthy feature of this EPIC initiative is its recognition of Indigenous self-determination and the right to sovereignty of Indigenous peoples. If the goals of the EPIC Network are achieved, participating Indigenous communities will be able to create and execute energy solutions that are sustainable and increase resilience in the face of climate change. Aligning this second arm of the FBC CERCB program with the UNDRIP will cement FBC's reputation as an organization committed to Indigenous governance of Indigenous programs, especially where the programs directly affect their well-being and communal living. The EPIC program is administered by FBC in partnership with Indigenous-led organizations like the New Relationship Trust (NRT). NRT is a key advisor to FBC on this project. Other partnerships are with organizations and initiatives such as Natural Resources Canada's Smart Renewables and Electrification Pathways Program, the Province of BC, Ministry of Energy, Mines, and Low Carbon Innovation, BC Hydro, and FortisBC

Introducing the United Nations Declaration on the Rights of Indigenous Peoples UNDRIP:

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is a watershed international legal instrument that provides for the fundamental rights of Indigenous peoples worldwide. After over twenty years of negotiations, advocacy, and consultations with Indigenous communities, the UN General Assembly adopted the UNDRIP on September 13, 2007.<sup>27</sup>

The 46 articles in the UNDRIP provide for a varying array of rights, some of which include the right to self-determination, the right of Indigenous peoples to their traditional lands and territories and the resources within them, and the right to maintain their political, cultural and economic institutions and a right to participate in the making decisions over these. Other rights prominent within the UNDRIP are the right to Free, Prior, and Informed Consent and the inclusion of a right to reconciliation and restitution. There are also economic rights protecting the intellectual property of Indigenous peoples over resources developed from their lands.<sup>28</sup> These are a second order of intellectual rights and the protection by the UNDRIP of these rights speaks to the forward-looking nature of the declaration. The UNDRIP has become a reference point for the rights of Indigenous peoples worldwide and is within its remit declared as a benchmark for the protection of the rights of Indigenous peoples.<sup>29</sup> Indigenous advocacy and policymaking received a big boost since the adoption of the UNDRIP. It is the right move for FBC's CERCB programs to create an UNDRIP framework for itself as this situates its projects within the niche organizations that have understood the requirements of the UNDRIP not

---

<sup>27</sup> United Nations Department of Economic and Social Affairs, 'United Nations Declaration on the Rights of Indigenous Peoples (United Nations)' <<https://social.desa.un.org/issues/indigenous-peoples/united-nations-declaration-on-the-rights-of-indigenous-peoples>> accessed 21 September 2023

<sup>28</sup> Article 31 UNDRIP 2007.

<sup>29</sup> United Nations Department of Economic and Social Affairs (n 28).

to be entirely within the purview of states. It is a step in the right direction for organizations like FBC to adopt a framework from the principles of the UNDRIP in activities involving Indigenous peoples.

#### Why UNDRIP instead of the UNDRIP ACT OF CANADA or the DRIPA ACT OF BC?

Canada as a country passed the UNDRIP Act in 2021. Before that period, precisely in 2019, the Province of BC had already passed the DRIPA Act of BC. However, it is best not to tailor a framework against the backdrop of these legislations as many Indigenous peoples do not fully trust these legislations considering they originate from colonial governance structures, unlike the UNDRIP that was developed by Indigenous peoples for themselves.<sup>30</sup> Distrust of the governance structure that produced the two Canadian legislations is avoided when this framework clearly adopts standards from the UNDRIP itself. The UNDRIP ACT of Canada is lacking in its enforcement and the long title of the Bill reads ‘An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples.’<sup>31</sup> This Act reads like the enforcement is yet to come, as the substantive sections mainly create declaratory and not obligatory requirements on the part of the government.<sup>32</sup> The DRIPA Act of BC is firmer in its language of implementation and is a better work that respects and affirms the UNDRIP. Notwithstanding these features of the DRIPA, past trauma especially at the hands of the Canadian government makes trusting the government in matters such as this very difficult for Indigenous peoples. Hence, to ensure the participation of all Indigenous peoples that will interact with the CERCB programs, it is better to use the UNDRIP as it was signed and ratified by member states of the United Nations. It is also important to point out that both the UNDRIP Act of Canada and the DRIPA Act of BC are legislations directed at government and not civil society.

#### General Approach to Advancing UNDRIP through FBC’s CERCB Programs

##### FBC CERCB Framework Parameters

The parameters identified in this section are important guidelines that will facilitate the achievement of the key objective of the FBC’s CERCB programs, namely, the incorporation of UNDRIP principles in activities involving Indigenous peoples. These parameters were identified from a careful study of the objectives, goals, and deliverables promised by the CERCB programs and matched to specific UNDRIP principles that epitomize these objectives, goals, and deliverables. They provide a theoretical and philosophical underpinning for the practical actions that are recommended on page 21. These are aspirational ideals that the CERCB programs are supposed to live up to. There is no obligation on civil society to adhere to the UNDRIP as the document is made obligatory only for the state parties that are signatories to it. However, these parameters are an important first step for an organization like FBC that desires to tailor their activities involving Indigenous peoples in line with the principles of the UNDRIP.

The following Articles are most relevant to FBC CERCB work:

#### 1. Self-determination and Self-government

---

<sup>30</sup> A general refrain from the interview was to regard the two UNDRIP-based Canadian legislations with some circumspection. Indigenous interviewees were more open to a framework developed straight from the source, the UNDRIP.

<sup>31</sup> Preamble to the United Nations Declaration on the Rights of Indigenous Peoples Act SC 2021 chapter 14.

<sup>32</sup> While the Act is written in compulsory language, the provisions appear like an ideal instead of an achievable target set by the government.

### 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.*

#### **Reflection on the Relevance of the Article to CERCB**

Article 3 is fundamental to this framework. All CERCB programs are recommended to proceed from an understanding of the rights to self-determination of Indigenous peoples. This means that CERCB programs as proposed should involve Indigenous perspectives from the point of program development and design to the point of implementation. The administration of CERCB programming is recommended to proceed from this perspective. It is recommended that the CERCB programs form engagements with Indigenous governing bodies, which will be bodies bestowed with legitimate authority from the Indigenous communities they serve.

Currently, the nature of the administration of CERCB programs is the right step that support this direction. An Advisory Committee comprising representatives from Indigenous communities and organizations currently guides CERCB programs. This characteristic of the CERCB programs shows an influence of this activity on the current activities within it and this should continue.

#### **2. Indigenous decision-making**

### 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 procedures, as well as to maintain and develop their indigenous decision-making institutions.*

#### **Reflection on the Relevance of the Article to CERCB**

As a follow-up to the right of self-determination, this right should be interpreted as a right to full and effective participation in decision-making by Indigenous peoples in activities that concern them.<sup>33</sup> This therefore means that CERCB programs are recommended to be prepared to receive not only positive feedback but negative feedback as well on some of its projects presented to Indigenous decision-making bodies.<sup>34</sup> These decision-making bodies will be chosen through the Indigenous process of selecting leaders. Currently, the CERCB programs incorporate engagements with self-determined Indigenous decision-making institutions, a proper step in the incorporation of this article into the functioning of the FBC's CERCB.

---

<sup>33</sup> Natalie Jones, 'Self-Determination and the Right of Peoples to Participate in International Law-Making' (2021) *British Yearbook of International Law* <<https://academic.oup.com/bybil/advance-article/doi/10.1093/bybil/brab004/6432499>> accessed 21 September 2023

<sup>34</sup> A study shows that decisions handed to indigenous institutions always end in an affirmative response as if the consent of indigenous people is just an inconsequential part of the project planning process, like an unimportant empty box to fill in a long list of other important factors. It is submitted that this right also empowers indigenous people to give negative feedback where possible and insist that projects that do not meet their requirements are not implemented.

### 3. Improved Economic and Social Conditions

#### *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.*

#### **Reflection on the Relevance of the Article to CERCB**

I believe that it is this article that strengthens the creation of the CERCB programs. The CERCB programs represent an organization's undertaking to fulfill the rights in this article. The programs must be framed from a perspective that facilitates the right of Indigenous peoples to better living conditions. During the interviews, participants recommended that the provisions of the second arm of this UNDRIP article be adapted for this framework. The second part of this article is reiterated and supported by the following article 22. It follows, therefore, that CERCB programs endeavor to pay special attention to the rights and special needs of elders, women, young children, and persons with disabilities. A good way to do this is to facilitate mentorship and training sessions from the perspective of including and empowering these equity-seeking groups. The elders constitute a special group of people, along with women, children, and people with disabilities, to which proper attention must be paid during training, and during the creation of peer-to-peer networks. CERCB programs should be able to pay close attention to these groups and enable them to access the same resources as everyone else.

### 4. Indigenous autonomy

#### *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 programs affecting them and, as far as possible, to administer such programs through their institutions.*

#### **Reflection on the Relevance of the Article to CERCB**

It should be the goal of the CERCB programs that autonomy is handed back to Indigenous groups and that projects coming out of these programs, especially the capacity funding projects, are Indigenous-led. Where projects are not Indigenous-led, they are recommended to further the rights of Indigenous peoples and should include the partnership of Indigenous communities or organizations, in line with other previously identified parameters. While there are many layered and diverse decision-making authorities within Indigenous communities, efforts should be made to endow Indigenous peoples with leadership in projects that affect them.<sup>35</sup> Active involvement, as stated in this

---

<sup>35</sup> Department of Economic and Social Affairs, 'Revitalization of Indigenous Governance System as towards Sustainability' (United Nations Official Website)

article, will refer to the participation of Indigenous peoples in activities that concern them and where possible, an opportunity for leadership by Indigenous peoples in these projects.<sup>36</sup> The CERCB programs therefore should endeavor to seek partnerships with Indigenous organizations in Indigenous-oriented programs and where possible, Indigenous leadership.

## 5. Reconciliation and Restitution

### *Article 27*

*States shall establish and implement, in conjunction with the 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.*

### **Reflection on the Relevance of the Article to CERCB**

These two articles lay the groundwork and foundation which states interested in reconciliation and restitution can build from. CERCB programs can extend to coming alongside participants on procedures that their familiar methods of dispute resolution can dovetail into the federal, provincial, or municipal systems. CERCB program participants should be encouraged to explore Indigenous means of rectifying conflict before taking the conflict outside the stated places of Indigenous authority and dispute resolution.

## 6. Financial Assistance

### *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.*

### **Reflection on the Relevance of the Article to CERCB**

As the CERCB programs provide capacity funding and training for sustainable Indigenous housing development, it is therefore important to ground that program in this article. This article protects the right of Indigenous peoples to financial and technical assistance to implement the rights so protected

---

[https://www.un.org/esa/socdev/unpfii/documents/workshop\\_MDG\\_hlawnching.doc](https://www.un.org/esa/socdev/unpfii/documents/workshop_MDG_hlawnching.doc) accessed 2nd September 2023.

<sup>36</sup> Ibid.



by the UNDRIP. This can refer to FBC advancing grants to Indigenous communities and also to CERCB programs' capacity-building funding for participating Indigenous communities and persons. As marginalized people, Indigenous peoples require support in the form of funding whether in the form of capacity funding or actual financial grants. These forms of assistance would enable the enjoyment of the rights provided for in UNDRIP. FBC's CERCB programs further the objective of this article of the UNDRIP by the nature of the programs within it.

Financial grants empower the essential implementation of these rights and enable the Indigenous communities to be empowered to implement their training under the CERCB programs. This right is also presented partially in Article 29(1) of the UNDRIP.

### UNDRIP Compliance Measurement Analysis Toolkit (UCMAT)

Creating an UNDRIP Compliance Measurement Analysis Toolkit (UCMAT) within this framework presents unique challenges as many available comparative frameworks are mainly qualitative, non-standardized, and do not offer clear means of measurement.<sup>37</sup> This toolkit has been created uniquely flowing from the identified parameters and is a measurement tool that can serve the evaluation of a CERCB program's commitment to the identified parameter.

The measurement tool proposed here should be adapted to the specific CERCB program sought to be evaluated. It proceeds from the understanding that the CERCB program is administered by an organization and not a state party to UNDRIP. State parties contend with internal politics, supremacy contentions between different organs and levels of government, and a majority population that may be cavalier or downright hostile to the plight of Indigenous peoples. The CERCB programs will not have this disadvantageous feature as they are located within FBC. UCMAT will serve as a self-regulatory instrument to be used within the confines of an organization willing to comply with the UNDRIP. In creating the UCMAT, UNDRIP Compliance frameworks utilized for states to utilize in measuring compliance to the UNDRIP were reviewed and analyzed to create a bespoke tool to be adapted to CERCB usages.<sup>38</sup>

I expect that the CERCB programs will utilize the UCMAT to scale performance and ensure a process of internal complementary development towards a fully UNDRIP-compliant program design and implementation model. The UCMAT will incorporate a system for regular feedback reporting and assessment of actual and perceived compliance with the UNDRIP within the CERCB program model. UCMAT can be adapted as a before, during, and after a CERCB program tool. The identified indicators were decided based on the direction of the interviews, information from a comparative review of other institutions' UNDRIP frameworks, and important articles of the UNDRIP.

### Evaluation Metric

The evaluation metric will range from an A to a D rating.

---

<sup>37</sup> There are very few examples of UNDRIP compliance frameworks even for states that are signatories to the UNDRIP. The only example I find in Canada for compliance frameworks by civil and private society is the Watershed report.

<sup>38</sup> Jackson Smith and Terry L. Mitchell, 'Development of an UNDRIP Compliance Assessment Tool: How a Performance Framework Could Improve State Compliance' (2020) 11 (2) The International Indigenous Policy Journal 1. Smith and Mitchell developed a tool for measuring compliance by states. I have adapted for the FBC, a tool to measure compliance internally.

- A-rating: this means that a project has fully complied with the UCMAT. To receive an A rating, it must be obvious that an evaluation metric was substantively complied with in the planning, execution, and final reporting.
- B-rating: this refers to substantial but incomplete compliance<sup>39</sup> with the UCMAT. Substantial compliance will result where there are challenges with ensuring that a project fulfills the conditions of the UCMAT like lack of access to sufficient funding, lack of skilled labor, and others.
- C-rating refers to partial compliance with the parameters of the UCMAT. This can also mean that during planning, there is a presence of the desire to comply with the UCMAT, but this did not materialize in implementation.
- D-rating is given to projects created under the CERCB themes that neither contain nor comply with any UCMAT parameters.
- D/K rating refers to projects that offer no available metric for measuring compliance with the UCMAT proposed here. The difference between this and the D-rating is that the D/K metric is applied to programs that cannot be appropriately evaluated using the UCMAT.

#### UCMAT Application to Identified Parameters

Having identified six parameters that would ensure compliance with UNDRIP principles for the CERCB programs of the FBC like Self-determination and Self-government, Indigenous decision-making, Improved Economic and Social Conditions, Indigenous autonomy, Reconciliation, and Restitution and Financial Assistance, I will now propose an evaluation metric.<sup>40</sup> These five identified evaluation metrics can efficiently analyze these parameters in a quantifiable manner.

#### **The already parameters can be properly evaluated using the following metrics:**

##### **1. *Self-determination and Self-government*<sup>41</sup>**

- A-grade rating; the project fully incorporates interaction with Indigenous communities as a layer of government, understanding their full rights to make decisions on their own, and incorporates this perspective in the planning and implementation of the program. Indigenous peoples and communities take the lead in programs that merit this rating.
- B-rating; the project interacts with Indigenous governments and people but does not extend to Indigenous leadership of the project. Indigenous cooperation is sought but not in a clear manner that recognizes their leadership during the project planning and execution.
- C-rating; the project recognizes Indigenous leadership but does not involve them in a decision-making capacity.
- D-rating; the project does not recognize Indigenous governments in any decision-making capacity and instead takes decisions on their behalf. In doing so, Indigenous perspectives are overshadowed in the program planning and implementation.

---

<sup>39</sup> Merriam-Webster's Dictionary of Law defines Substantial Compliance as 'compliance with the substantial or essential requirements of something (as a statute or contract) that satisfies its purpose or objective even though its formal requirements are not complied with'. See Merriam-Webster's Dictionary of Law (Merriam-Webster, Incorporated 1996) available at <https://dictionary.findlaw.com/definition/substantial-compliance.html#:~:text=substantial%20compliance%20n,requirements%20are%20not%20complied%20with> accessed 29<sup>th</sup> July 2023.

<sup>40</sup> We have not crafted these parameters with the usual 'rights to' prefix because this compliance method is meant for private organizations, not state parties.

<sup>41</sup> This measurement has within its interpretation, indigenous decision-making and indigenous autonomy.

- D/K: The program does not contain a clear way of measuring this parameter.

## **2. Reconciliation and restitution<sup>42</sup>**

- A-rating: for a CERCB program to meet this rating, it must be crafted from a perspective that leads to reconciliation and empowers Indigenous capacity development as a means of seeking restitution.
- B-rating: There is a process for resolving conflict, however, that process for redress is not fully subject to Indigenous methods nor does it incorporate the Indigenous methods. It mainly incorporates dispute resolution only through Canadian colonial court systems.
- C-rating: There is only a mention of reconciliation and restitution on paper without any distinct mechanism for enforcement.
- D-rating: There is no recognition of the importance of reconciliation and restitution during periods of conflict. The only means for rectifying conflicts will be through the regular courts without reference to Indigenous methods of adjudication.
- D/K: The program does not contain a clear way of measuring this parameter.

## **3. Financial Assistance**

- A-rating: The CERCB Program includes a process for capacity funding and training that prioritizes Indigenous elders, youth, women, and children. Thus, this rating requires active funding provision or assistance for Indigenous peoples to apply for funds necessary for their economic development.
- B-rating: There is access to capacity funding and training, but its method of application does not prioritize Indigenous elders, women, and children. It does not take notice of equity and financial diversity within Indigenous communities.
- C-rating: The CERCB program contains an insufficient provision for capacity funding and training and even as stated does not form a substantial part of the program plan.
- D-rating: There are no provisions for capacity funding and training. Participation in the program is too expensive for Indigenous peoples. Indigenous peoples are not empowered to practically bring what they learned during the program to fruition.
- D/K: The program does not contain a clear way of measuring this parameter.

## UNDRIP Framework Maintenance Methods

Having discussed the parameters and introduced the UCMAT. I will introduce actions that the CERCB program leaders can adopt to ensure continual compliance with the UNDRIP.

These are:

- Retaining an UNDRIP fellow with responsibilities of training staff and ensuring that the UNDRIP principles are complied with.
- Holistic training on UNDRIP principles for staff and program leads.
- Incorporating HR policies that will lead to the retention of Indigenous staff.
- Empowering Indigenous peoples and communities to lead projects.

---

<sup>42</sup> This measurement metric can be extended to measure land ownership as well. Land is one property that can be restituted.

- Maintaining a system of measuring the UNDRIP-compliant nature of CERCB program plans.
- Prioritizing Indigenous-led projects.
- Creating a system of pre-, interim, and post-project UNDRIP compliance measurement and evaluation.
- Financial empowerment projects and job creation models that prioritize the needs of Indigenous elders, youth, women, and persons with disabilities.
- Integrating Indigenous knowledge and practices in CERCB project execution.
- Creating an Indigenous Leaders Network for consultations during CERCB program envisioning, execution, and review.

## Conclusion

Thus far, this research has found that working with an UNDRIP structure is very rewarding for an organization that interfaces with Indigenous peoples and communities. In creating this framework, FBC positions itself as an organization with a human face, willing to take on national problems that involve Indigenous peoples and to design a strategy for action.

This is an UNDRIP framework created for the FBC's CERCB programs. I started this project with an introduction setting out the scope of the tasks that this project will be delivering. I then briefly introduced the FBC, and its CERCB programs, namely FNHES, EEMP, and the EPIC Network. I proceeded to provide a compact description of the UNDRIP, after which I established the reason for the reliance on the UNDRIP by distinguishing it from the UNDRIP Act of Canada and the DRIPA Act of BC. I then outlined six parameters from the UNDRIP from which CERCB programs must be framed. After identifying these parameters, I proposed the UCMAT with five evaluation metrics in which these six parameters will be measured. I then evaluated five broad themes that encompassed these six identified parameters and applied the metric to them. Having applied these metrics, I proposed an UNDRIP Framework Maintenance Method that will ensure that compliance with this framework is sustained within FBC CERCB programs.

I believe that this framework is actionable and will serve to meet the stated need of the CERCB program to comply with the UNDRIP.