

# Manufacturing Free, Prior and Informed Consent: A Brief History of Canada vs. UNDRIP

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**2007**

After UNDRIP's introduction to the UN General Assembly, Minister of Aboriginal Affairs Chuck Strahl **shared** Canada's position: "I am sorry we can't sign on...It's not balanced, in our view, and inconsistent with the Charter."

**2010**

As New Zealand, Australia, and the United States changed their position on the Declaration, the Harper Government "endorsed" it as well, though with a condition, **stating they** have "learned from the experience of other countries. We are now confident that Canada can interpret the principles expressed in the Declaration in a manner that is consistent with our Constitution and legal framework."

**2014**

Despite their "endorsement" Minister of Aboriginal Affairs Bernard Valcourt **responded** to an article in Nunatsiq News that "free, prior, and informed consent...could be interpreted in a way that would legally provide a veto to Aboriginal groups, and therefore, cannot be reconciled with current Canadian law."

**2015**

Campaigning during the federal election, Justin Trudeau **remarked** that on pipelines, mining, or industrial forestry in Indigenous territory, "no would absolutely mean no" and promised to implement the Truth and Reconciliation Commission's Calls to Action and UNDRIP, both of which emphasize free, prior, and informed consent (FPIC).

**2016**

NDP MP Romeo Saganash introduced Bill C-262, a Private Member's bill that would commit the federal government to implement UNDRIP. Minister of Natural Resources, Jim Carr, **claimed** it wasn't necessary because government is working on a "Canadian definition" of the Declaration.

**2016**

Later that year, Minister of Indigenous and Northern Affairs Carolyn Bennett **announced** at the UN that Canada will "fully implement UNDRIP without qualification" through a "section 35 framework."

**2018**

The Liberals - and a majority of the House of Commons - ultimately **support** Bill C-262.

**2019**

The Senate fails to review and pass Saganash's Bill before the deadline. **According** to Conservative Senator Don Plett, the delay was a result of, "no agreement on whether consent means a veto."

**2019**

British Columbia becomes the first jurisdiction in Canada to pass UNDRIP legislation. NDP Premier John Horgan **remarks**, "free, prior, and informed consent is not the end of the world."

**2019**

NDP MP Sol Mamakwa introduces a Private Member's Bill on UNDRIP Implementation into the Ontario Legislature. It has been **delayed** at the committee stage since then.

**2020**

The Government of Northwest Territories **establishes** an UNDRIP Implementation Working Group and commits to having an implementation plan in place for Summer 2022.

**2020**

The Federal Government introduces Bill C-15 The United Nations *Declaration on the Rights of Indigenous Peoples Act*. While "consent" does not appear in the legislation, federal literature **suggests** FPIC means "striving to achieve consensus as parties work together in good faith on decisions that impact Indigenous rights and interests. Despite what some have suggested, it is not about having a veto over government decision-making."