



THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

HEALTHY WATERSHEDS INITIATIVE EVALUATION FRAMEWORK & REPORT

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**HEALTHY
WATERSHEDS**
INITIATIVE



INTRODUCTION

A key objective of the Healthy Watersheds Initiative is to advance the United Nations Declaration on the Rights of Indigenous Peoples. The purpose of this report is to hold ourselves accountable to that commitment, and to transparently document where we've made progress or fallen short, and where further action can and should be taken to build on the challenges and successes, new relationships, and rich learning. The report also offers a framework that we hope governments, environmental funders, and conservation organizations will draw upon in evaluating their own commitments to advancing UNDRIP. By sharing approaches, processes, templates, and tools, we hope to share and learn from each other's efforts and work together to support better policies, practices and relationships — that meaningfully uphold commitments to UNDRIP and healthy watersheds for all.

WHAT IS THE HEALTHY WATERSHEDS INITIATIVE?

The [Healthy Watersheds Initiative](#) is a \$27-million program, supported with funding from the Province of BC, to stimulate British Columbia's economic recovery through investments in community-driven watershed conservation and restoration projects. Through this program, the Real Estate Foundation of BC, in partnership with Watersheds BC, is administering grants for [more than 60 watershed security projects](#) in communities across the province.

Key objectives for the Healthy Watersheds Initiative include:

- Job creation and economic recovery from the COVID19 pandemic;
- Watershed conservation, restoration, planning and monitoring;
- Advancing the [United Nations Declaration on the Rights of Indigenous Peoples](#).

WHAT IS THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES (UNDRIP)?

The *United Nations Declaration on the Rights of Indigenous Peoples* ("UNDRIP") is an international documented negotiated between Indigenous peoples of the world and the nation-states of the UN over two decades. UNDRIP is comprised of preamble statements from the UN General Assembly, followed by 46 Articles outlining essential rights of Indigenous peoples globally. Rights can be organized in the following categories:

- Foundational Rights
- Life and Security
- Culture, Religion and Language
- Education, Knowledge, Media and Employment
- Political and Economic Rights
- Lands, Territories and Resources
- Self-Government
- Implementation
- Minimum Standards

Adopted by the General Assembly of the UN in 2007, UNDRIP was originally opposed and voted against by the Canadian federal government. It was not until 2016 that the Canadian government withdrew its objection and began the process to implement it in Canada. For British Columbia, our provincial government was the first in Canada to adopt UNDRIP in 2019 by passing the [Declaration on the Rights of Indigenous Peoples Act](#). As the provincial government is responsible for key areas relevant to and affecting Indigenous peoples such as lands and resources and health care and education, it is important that the province has taken action to implement UNDRIP.

One of the main reasons for initial opposition to UNDRIP by Canada (as well as other countries with colonial foundations such as Australia, New Zealand, and the United States), was the concern over the inclusion of free, prior, and informed consent ("FPIC"), and the requirement for consent for development on Indigenous lands. While fears and opposition still exist, the colonial countries have unfortunately taken comfort in the fact that international human rights instruments do not impose legal obligations on states, but rather moral aspirations for governments to adopt and implement in their own distinct manner.



"In many ways, Canada waged war against Indigenous peoples through Law, and many of today's laws reflect that intent...The full adoption and implementation of the UN Declaration on the Rights of Indigenous Peoples will not undo the War of Law, but it will begin to address that war's legacies."

*Senator Murray Sinclair
Truth and Reconciliation Chair
April 2016*

Nonetheless, the standard of FPIC still remains in UNDRIP and Indigenous peoples worldwide continue to call on state governments to adhere to it in their lands. Consent, permission and respect for Indigenous laws and protocols for accessing Indigenous lands is a fundamental right that Healthy Watersheds Initiative has strived to uphold, but met with some challenge that has been captured at various points in this report.

UNDRIP ARTICLES RELEVANT TO HEALTHY WATERSHEDS INITIATIVE

One of the key objectives of the Healthy Watersheds Initiative is to advance the implementation of the *United Nations Declaration on the Right of Indigenous Peoples* (“UNDRIP”). The following Articles from are most relevant to the work of Healthy Watersheds Initiative:

ARTICLE 18 | DECISION MAKING

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



RELEVANCE TO HWI

Decisions regarding funding for watershed projects, decisions regarding access to territories by non-Indigenous projects, decisions regarding future funding and watershed strategies.

ARTICLE 20 - 2 | JUST & FAIR REDRESS

Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.



RELEVANCE TO HWI

Redress can include environmental/ecological restoration, returning watersheds to more natural pre-contact state.

ARTICLE 25 | SPIRITUAL RELATIONSHIP

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.



RELEVANCE TO HWI

Participating in non-Indigenous led projects does not cede rights to the areas in question. Non-Indigenous projects encouraged to respect and include cultural and spiritual protocols and ceremonies into HWI projects.

ARTICLE 23 | DEVELOPMENT

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 programmes affecting them and, as far as possible, to administer such programmes through their own institutions.



RELEVANCE TO HWI

Many HWI projects speak of the connection between human and environmental health. Also, as a job creation initiative, HWI is also a social and economic program.

ARTICLE 24 -1 | TRADITIONAL MEDICINES

Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.



RELEVANCE TO HWI

With a large proportion of HWI projects focussed on wetland health specifically, traditional medicines are often found in close proximity to wetlands and riparian areas. Restoration needs to ensure appropriate access to traditional medicines.

ARTICLE 26 | RIGHTS TO LAND

Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.



RELEVANCE TO HWI

Supporting Indigenous-led projects means greater support for occupation, stewardship, and restoration of Indigenous lands and waters. Future funding should have new targets for % of Indigenous-led projects.

ARTICLE 28 | RIGHTS TO REDRESS

Indigenous peoples have the right to redress, by means that can include restitution or, when that 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.



RELEVANCE TO HWI

Redress for degradation of watersheds can include ecological/environmental redress, returning the land and water to their original state.

ARTICLE 29 - 1 | CONSERVATION OF ENVIRONMENT

Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.



RELEVANCE TO HWI

HWI can be considered a conservation program, and Indigenous peoples and their projects are welcomed and considered without discrimination. Moving decision-making power for project approval outside of government will further entrench this.

ARTICLE 36 | RIGHTS TO RELATIONSHIPS

Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations, and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.



RELEVANCE TO HWI

Water does not recognize or conform to colonial borders, thus there are many downstream effects and interests related to several HWI projects. Staff have encouraged project proponents to engage those Indigenous peoples regardless of provincial/federal borders.

ARTICLE 39 | RIGHTS TO FINANCIAL ASSISTANCE

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.



RELEVANCE TO HWI

As a funding opportunity that has been characterized as 'once in a generation' in terms of scope and scale, it is imperative that Indigenous peoples have had access to as much as possible to support their watershed priorities. With 1/3 of HWI projects being Indigenous-led, it is a good start but targets to increase this % are needed for future funding.

UNDRIP FOR FUNDERS - BEST PRACTICES LITERATURE

One of the members of the Healthy Watersheds Initiative [Indigenous Leaders Advisory Circle](#), Kris Archie is the Chief Executive Officer for [The Circle on Philanthropy and Aboriginal Peoples in Canada](#) (“the Circle”). Through the work of the Circle, Kris shared with Healthy Watersheds Initiative, various resources related to philanthropic funding and Indigenous peoples. One such resource from the International Funders for Indigenous Peoples is [A Funder’s Toolkit: Implementation of the United Nations Declaration on the Rights of Indigenous Peoples](#).

“Full and effective implementation of the Declaration [UNDRIP] will require contributions by diverse actors from many sectors. One such sector is that of philanthropic foundations, grantmakers and other donors. As key players that work to promote the rights of Indigenous Peoples by funding their organizations and networks, as well as other national and international organizations focused on Indigenous Peoples’ issues, funders can play a fundamental role in the implementation of the Declaration.”

International Funders for Indigenous Peoples, Funder’s Toolkit: Implementation of the United Nations Declaration on the Rights of Indigenous Peoples, page 11.

This toolkit helped shape the approach of Healthy Watersheds Initiative to advancing UNDRIP and evaluating our progress in doing so. As a funding program that links state or Crown funding to Indigenous peoples and non-Indigenous organizations and local governments through an independent granting entity (the Real Estate Foundation of BC), Healthy Watersheds Initiative is in a unique position to advance practices and standards that may not be adopted at the provincial government level. Further, as a funding program aimed at restoring and supporting healthy watersheds, striving for the fullest implementation possible of UNDRIP principles is imperative.

“The Declaration recognizes that cultural rights are inseparable from rights to land and resources, as well as the right to self-determination, as the cultures of Indigenous Peoples are inextricable from their economic systems and self-governing institutions.”

International Funders for Indigenous Peoples, Funder’s Toolkit: Implementation of the United Nations Declaration on the Rights of Indigenous Peoples, page 22.

In addition to general guidance on how funders can help advance UNDRIP, Healthy Watersheds Initiative drew from the Organizational Assessment to develop a questionnaire for all Healthy Watersheds Initiative staff to complete as a self-evaluation. The results are shared in Appendix 6.

Advisor Kris Archie was also pivotal in the drafting of UNDRIP-related questions for the interim and final reports for all Healthy Watersheds Initiative projects.

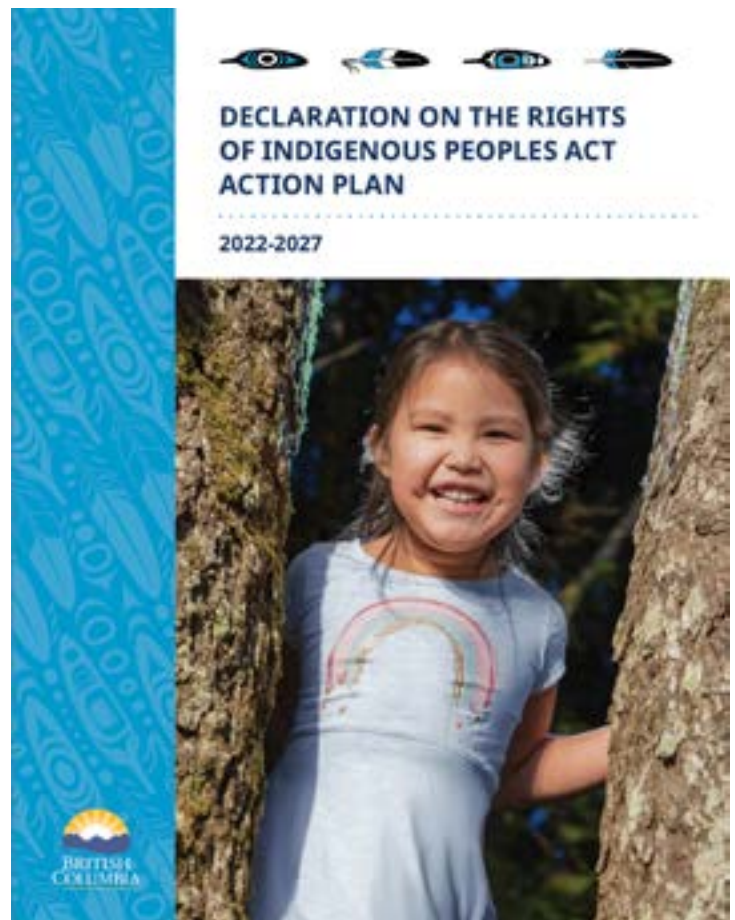
LINKAGES TO PROVINCIAL GOVERNMENT AND APPLICABLE LEGISLATION - DRIPA

As the administrator for provincial economic recovery funding, Healthy Watersheds Initiative has a responsibility to implement funding, learning and evaluation, and communications in a manner that supports government's commitments to the adoption and implementation of UNDRIP. The provincial government has committed to the adoption and implementation of UNDRIP through the [Declaration on the Rights of Indigenous Peoples Act](#). This ground-breaking legislation includes four key areas that comprise the provincial framework for reconciliation:

- Amending provincial legislation to come into alignment with UNDRIP;
- Co-developing an [Action Plan](#) with Indigenous peoples to meet UNDRIP objectives;
- Annual reporting to the legislature on progress of implementing the Action Plan and alignment of legislation;
- Enabling provisions to allow the province to enter into agreements with Indigenous peoples on shared statutory decision-making.

Some of the relevant outcomes and actions identified in the provincial Action Plan on UNDRIP that Healthy Watersheds Initiative can seek alignment with include:

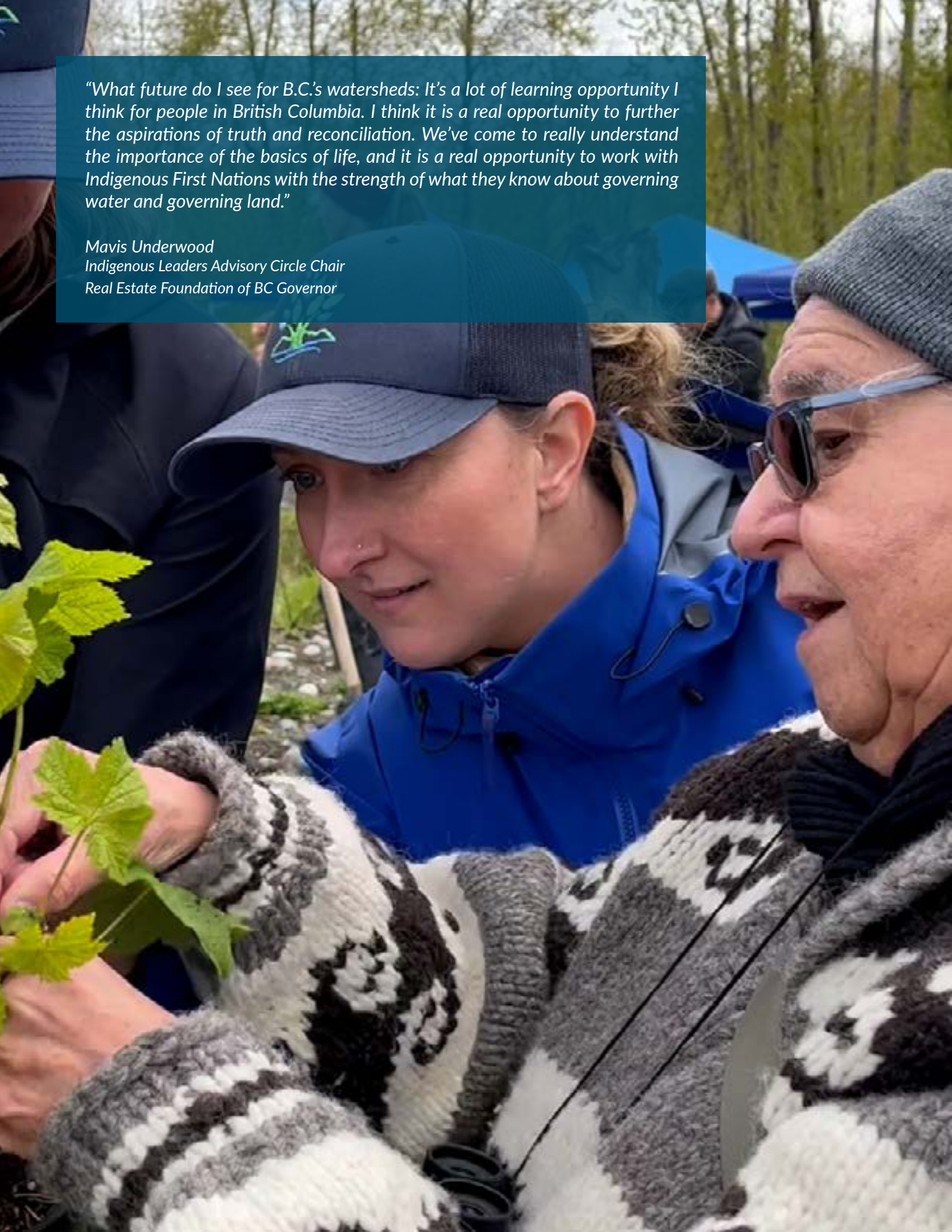
- **Outcome:** Indigenous Peoples have meaningful and sufficient access to abundant and healthy traditional foods and have peaceful enjoyment of their harvesting rights.
- **Outcome:** First Nations exercise their right to determine and develop priorities and strategies for the development, use and/or stewardship of their traditional territories and other resources.
- **2022-27 Action:** Collaborate with First Nations to develop and implement strategies, plans and initiatives for sustainable water management, and to identify policy or legislative reforms supporting Indigenous water stewardship, including shared decision-making. Co-develop the Watershed Security Strategy with First Nations and initiate implementation of the Strategy at a local watershed scale. (Ministry of Land, Water and Resource Stewardship)
- **2022-27 Action:** Co-develop strategic-level policies, programs and initiatives to advance collaborative stewardship of the environment, land and resources, that address cumulative effects and respects Indigenous Knowledge. This will be achieved through collaborative stewardship forums, guardian programs, land use planning initiatives, and other innovative and evolving partnerships that support integrated land and resource management. (Ministry of Land, Water and Resource



While Healthy Watersheds is administered independently from government through the Real Estate Foundation of BC and Watersheds BC, it is important to recognize the political landscape that we are operating in. Further, as the Action Plan is the result of extensive consultation and co-development with Indigenous peoples, it is a useful guide for aligning actions and priorities with the outcomes from the Healthy Watersheds Initiative.

“What future do I see for B.C.’s watersheds: It’s a lot of learning opportunity I think for people in British Columbia. I think it is a real opportunity to further the aspirations of truth and reconciliation. We’ve come to really understand the importance of the basics of life, and it is a real opportunity to work with Indigenous First Nations with the strength of what they know about governing water and governing land.”

*Mavis Underwood
Indigenous Leaders Advisory Circle Chair
Real Estate Foundation of BC Governor*



GENERAL APPROACH TO ADVANCING UNDRIP THROUGH HEALTHY WATERSHEDS INITIATIVE

Environmental funders have two main pathways for how they can help operationalize and uphold UNDRIP:

- **As an organization:** staff and hiring, policies, board and governance, educational support for staff, advisors, evaluation and learnings processes.
- **Through the work they fund:** intake processes, prioritizing Indigenous-led land and water-based work, holding non-Indigenous grantees accountable on Indigenous partnerships, culturally relevant and sensitive reporting processes, principles and criteria for funding approvals that breathe life into UNDRIP.



Healthy Watersheds Initiative strived for multiple outcomes across both of the above pathways. Guided by the Senior Indigenous Advisor and the Indigenous Leaders Advisory Circle, Healthy Watersheds Initiative approached the advancement of UNDRIP through the key strategies and efforts outlineon the following page.

“Funders have the ability to work in creative capacities and acknowledge that societal and systemic changes are necessary for the realization of the rights of Indigenous Peoples, and to resource those necessary changes... The diversity, creativity, and alternative and holistic world view of Indigenous Peoples is essential for the future of all humanity, as well as our planet. Their resilience is highlighted in the ability to face overwhelming odds and continued attacks on their cultures, lands, and livelihoods, as they have for centuries. The protection of their rights is also the protection of this diversity, creativity, and resiliency.”

Amy Fredeen and Evelyn Arce, International Funders for Indigenous Peoples, “A Funder’s Toolkit”.

ADVANCING UNDRIP



**PRIORITIZING
INDIGENOUS-LED
PROJECTS**



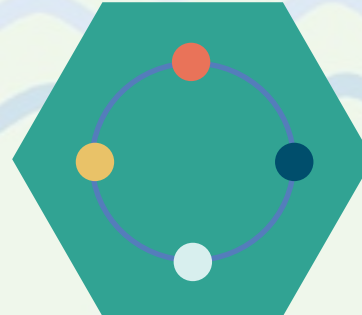
**INTERIM &
FINAL REPORTING
QUESTIONS & DATA ON
UNDRIP ACTIONS**



**WATERSHED HEALTH
SUPPORTS INDIGENOUS
RIGHTS**



**DECOLONIZING
PRACTICES WORKSHOPS**
NAHANEÉ CREATIVE



**INDIGENOUS LEADERS
ADVISORY CIRCLE**



**INTEGRATING INDIGENOUS
KNOWLEDGE INTO PROJECTS**



**HWI UNDRIP
EVALUATION
FRAMEWORK**



**JOB CREATION PRIORITIZING
INDIGENOUS PEOPLE**



**RESOURCES FOR CEREMONY
AND ENGAGEMENT IN
PROJECT BUDGETS**



**SENIOR INDIGENOUS
ADVISOR & INDIGENOUS
COMMUNITY CONNECTOR**



HOW TO USE THIS REPORT

Each of the Appendices serves as a stand-alone outcome related to the work of Healthy Watersheds Initiative in relation to the advancement of UNDRIP. For those who are interested in different aspects of the work, an Appendix can be identified easily and reviewed quickly, as opposed to reading through 100 pages of report trying to find your most interesting section. Different staff, contractors, and advisors were involved in different sections, and so the work as a whole is a team product, but acknowledgements and credit are owed to those outlined in each Appendix.

This report is intended to both capture the outcomes and learning for how Healthy Watersheds Initiative was able to contribute to the advancement of UNDRIP, as well as serve the broader funding community in developing and sharing tools, processes, templates and approaches that can be adopted by others seeking to advance and support UNDRIP implementation.

Each Appendix represents one pillar or strand of the overall UNDRIP Framework for Healthy Watersheds Initiative, recognizing that each on its own is significant, but still part of a larger whole. In approaching complex challenges of decolonization, while administering colonial government funding, a multi-pronged approach is essential to work across all levels.

APPENDICES

- 1.) [Excerpts from Healthy Watersheds Initiative Interim Report](#)
- 2.) [Insights on UNDRIP from Progress Reporting](#)

Input and Direction from Indigenous Leaders Advisory Circle

- 3.) [Submission to BC Ministry of Environment on the Discussion Paper on the Watershed Security Strategy and Fund](#)
- 4.) [ILAC Meeting Summary](#)
- 5.) [Principles and Criteria for Future Funding](#)

Learning & Evaluation Events

- 6.) [Healthy Watersheds Initiative Staff Program Self-Evaluation](#)
- 7.) [Decolonization Training Workshop with Nahanee Creative Final Report](#)
- 8.) [Healthy Watersheds Initiative Community Conversations](#)

DESIGN & PHOTO CREDIT

Layout and Design: Supported by Cheyenne Berghenhouwen, HWI Communications Manager.

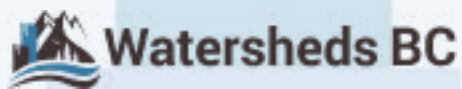
Blanket Illustration: Created by Chenoa Gao, Muskeg Lake Cree Member, Wetlands Workforce Conservation Illustrator.

Cover Photo: Restoration work at Willow Creek. Kitsumkalum and Tsimshian territory. Photo by SkeenaWild Conservation Trust.

Page 3 Photo: From left to right: Patience Muldoe, Hayley Wilson, and Taylor Wale are with the Gitksan Watershed Authorities. They are continuing the work to restore access, connectivity, and quality of critical salmon habitat in McCully Creek. Photo by Cheyenne Berghenhouwen.

Page 8 Photo: Mavis Underwood shares with Natasha Cox and Rachel Drennan from the Fraser Valley Watersheds Coalition how some native plants were traditionally used during a site visit at Hooge Wetland. Photo by Claudia Ferris.

The meaning of the blanket illustration:



The Healthy Watersheds Initiative is a \$27-million program, supported with funding from the Province of BC, to stimulate British Columbia's economic recovery through investments in community-driven watershed conservation and restoration projects. Through this program, the Real Estate Foundation of BC, in partnership with Watersheds BC, is administering grants for more than 60 watershed security projects in communities across the province.