

Implementing the UN Declaration on the Rights of Indigenous Peoples in the Northwest Territories

About Bill 85: *The United Nations Declaration on the Rights of Indigenous Peoples Implementation Act*

Introducing new legislation

On March 29, 2023, the Government of the Northwest Territories (GNWT) introduced Bill 85: *The United Nations Declaration on the Rights of Indigenous Peoples Implementation Act*. It describes the process that the GNWT will follow to ensure that future laws, regulations, and policies, procedures, and arrangements of the GNWT are consistent with the human rights set out in the Declaration. The Act also mandates a process for the GNWT to collaborate with IGOs to ensure existing laws, regulations, policies, procedures, and arrangements are examined to make them consistent with the UN Declaration over time.

What are the goals of the new Act?

The goals of the new Act are to:

- Confirm that the Declaration is a universal human rights instrument. It is important to the Indigenous peoples of the Northwest Territories and should be part of the process of developing new laws and reviewing and amending existing ones;
- Direct that the laws of the Northwest Territories must be interpreted in a manner consistent with the Declaration; and
- Provide a process for the GNWT to work with IGOs in a government-to-government relationship to determine how the Declaration will be implemented in ways that will improve the lives of the people of the Northwest Territories.

What will the new Act do?

The new Act will:

- Direct the Attorney General of the Northwest Territories to compare the Declaration with any new laws being proposed, including the amendment of existing laws, and provide that analysis in writing through a Statement of Consistency when any new laws or changes to laws are being proposed;
- Create an Action Planning Committee of GNWT and IGO representatives to work together to develop an Action Plan to identify priorities and tasks to advance the implementation of the Declaration in the Northwest Territories;
- Confirm that the GNWT can enter into shared decision-making agreements with IGOs where an IGO requests when it is possible and beneficial to do so; and
- Require public review and reporting on the activities identified in the Act and Action Plan to provide an update on the work being done and make that information available to the public in an annual report;
- Direct the GNWT to make steady progress to ensure the UN Declaration is considered in all decisions about laws and policies affecting Indigenous peoples; and
- Support the implementation of historical and modern treaties in the NWT.

What won't the new Act do?

The new Act will not be linked to the federal legislation on the UN Declaration and speaks only to matters within territorial jurisdiction.

The new Act also will not:

- Automatically change existing laws and policies of the GNWT;
- Impose the same actions in different regions or communities, which may have different needs and traditional practices;
- Obligate the GNWT to act without first working with IGOs to decide the best way forward;
- Change the terms and provisions of existing historical or modern treaties;
- Affect the recognition of historical and modern treaties as constitutionally protected agreements that form part of the constitutional framework of Canada;
- Negatively affect the negotiation or implementation of modern treaties, nor the implementation of historical treaties; or
- Directly change the GNWT's duty to consult.

For more information about the UN Declaration, go to www.eia.gov.nt.ca/un-declaration