



**CLEAN ECONOMY
WORKING PAPER SERIES**

SEPTEMBER 2026 / WP 26-3

LEARNINGS FROM BRITISH COLUMBIA ON UNDRIP IMPLEMENTATION IN THE CLEAN ENERGY SECTOR

Guidance for Policymakers

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Ozog, S. (2026). Learnings from British Columbia on UNDRIP Implementation in the Clean Energy Sector: Guidance for Policymakers (Working Paper). Simon Fraser University. <https://institute.smartprosperity.ca/learnings-from-british-columbia-undrip-implementation-clean-energy-sector>

Policy Brief

Learnings from British Columbia on UNDRIP Implementation in the Clean Energy Sector: Guidance for Policymakers

This paper would not be possible without the following Indigenous experts who have guided this work: Dave Porter, CEO of the BC First Nations Energy and Mining Council, Judith Sayers of the Nuu-chah-nulth Tribal Council, Trent Moraes of Skidegate Band Council, Ross Meyers Ross and Harvey McCloed.

Introduction

Since 2010, First Nations in British Columbia (BC) have steadily increased their participation in the renewable energy sector (New Relationship Trust 2020). Reasons for participation consistently include economic, social, and cultural objectives. However, it is important to note that these reasons can vary depending on whether or not the First Nation is connected to the major electrical grid i.e. the Bulk Electricity System (BES). For example, grid-tied First Nations already connected to BES infrastructure seek economic development as a primary objective for renewable energy project development, whereas remote communities are primarily driven by a desire to reduce their fossil fuel footprint (Ozog 2012).

Following the launch of the Province's CleanBC plan in 2018, the Declaration on the Rights of the Indigenous Peoples Act (BC Declaration Act, 2019) was enacted into legislation and affirms the application of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP 2007) to the laws of BC. The Declaration Act sets out two mechanisms to implement UNDRIP. The first mechanism is Section 3 the requirement to alter existing legislation, making all laws consistent with UNDRIP. Most relevant to the scope of the clean energy sector in BC are three pieces of legislation, the BC Clean Energy Act, the Hydro and Power Authority Act, and the Utilities Commission Act. These pieces of legislation define clean energy and where it can be purchased from, therefore are critical to First Nation's economic development objectives in the sector. However, where the Clean Energy Act, the Hydro and Power Authority Act and the Utilities Commission Act rank in priority for legislative alignment has yet to be determined. The second mechanism is Section 7 joint decision-making arrangements. According to Indigenous leader and expert Judith Sayers the Declaration Act "empowers BC to enter into agreements with First Nations to facilitate this" (Sayers, 2020). Legislated joint decision making could be in regard to any area of governance deemed a priority by an Indigenous Nation, including energy governance. To date, while Canada passed their own United Nations Declaration on the Rights of Indigenous Peoples Act in 2021, BC is the only province in Canada to implement UNDRIP legislation (Canada, 2021).

In absence of legislative alignment and a joint decision-making framework on clean energy developments, the Province of BC appears to be making efforts at aligning their policy objectives in UNDRIP implementation and clean energy. Even prior to the Declaration Act, the Clean BC plan which serves as the province's blueprint for carbon reduction policies, already determined that, "initiatives must reflect government's commitment and obligation to support the implementation of the United Nations Declaration on the Rights of Indigenous Peoples" (Clean BC, 2018, p. 13). Henceforth while policymakers must consider UNDRIP in all sectors, this policy brief focuses exclusively on the clean energy sector given the expressed relationship between Indigenous values and renewable energy development.¹

Objectives and Methods

This policy brief aims to provide policymakers with insight and guidance into current practices in BC designed to align provincial clean energy policy objectives with UNDRIP implementation.

Findings are based on recent literature, "grey lit" such as existing government policies and mandates, and conversations with Indigenous experts in the field.

Summary of Key Insights and Guidance

Recent research and experience demonstrate alignment between renewable energy development and Indigenous values. While BC is the first and only province in Canada² to legislate UNDRIP, the alignment of laws within clean energy legislation has yet to occur. However, identifiable efforts are being made by the Province in the policy realm. We begin with an overview of recent provincial government policies reflective of efforts to implement UNDRIP and support Indigenous objectives in clean energy. We then summarize themes expressed during provincial engagements with First Nations representation as priority actions for the clean energy sector. We then highlight the roles of the federal and provincial governments and identify the importance of tri-partite collaboration. Finally, we present five guidelines for advancing the alignment of UNDRIP and decarbonization policies in Canada.

Identifying BC policies reflective of efforts to align provincial clean energy objectives with UNDRIP

In 2021, the First Nations Clean Energy Opportunities (FNCEO³) initiative was launched as a collaboration between the First Nations Leadership Council (FNLC), the First Nations

¹ For further information on the complexity of this relationship see Indigenous scholars Awāsis (2020) and Curley (2018).

² The Province of Ontario saw an attempt to pass their own UNDRIP legislation in 2019. Bill 76 was brought forward by elected member of parliament Sol Mamakwa of the Kiiwetinoong riding. However after passing a first and second reading in the house Bill 76 failed to materialize upon review of parliamentary committee appointed by Premier Doug Ford and his cabinet.

³ The First Nations Clean Energy Opportunities initiative was originally launched as the Indigenous Energy Opportunities Initiative, however in 2024 the name was officially changed to ensure the distinction based

Energy and Mining Council (FNEMC), and the Ministry of Energy, Mines and Low Carbon Innovation (EMLI). Through the FNCEO process, FNEMC and EMLI collaborated to engage First Nations rights holders in dialogue that responds to their expressed priorities in the clean energy sector with the aim of supporting First Nations in fully exploring economic opportunities. The initiative also directly aims to align the Province's clean energy policy and legislation with UNDRIP and intends to directly deliver on the Declaration Act Action Plan (Action 4.43).

Action 4.43 Co-develop recommendations on strategic policies and initiatives for clean and sustainable energy. This includes identifying and supporting First Nations-led clean energy opportunities related to CleanBC, the Comprehensive Review of BC Hydro, and the BC Utilities Commission Inquiry on the Regulation of Indigenous Utilities. (Ministry of Energy, Mines and Low Carbon Innovation). ⁴

Since the launching of FNCEO, the Province of BC has held numerous engagements with First Nations representation. In those engagements the following programs, policies and initiatives were highlighted by First Nations representatives for their importance:

- **Powering our future: BC's Clean Energy Strategy (2024)** - Objectives most relevant to First Nations include the commitment to “advance co-ownership opportunities with First Nations” and to support “community scale projects and remote communities;
- **BC Hydro Call for Power (2023)** - Whereas on June 15, 2023, BC Hydro along with the Province of B.C. announced a competitive call for power for approximately 3,000 GWh per year of new clean generation and mandated minimum 25% First Nations ownership of those projects in order to be eligible;
- **BC Hydro UNDRIP Implementation Plan (2022)**
- **BCUC Inquiry on Indigenous Utilities Final Report (2020)** - Final recommendations included but are not limited to, “Section 52 of the UCA be amended to require the BCUC to consider UNDRIP and the economic development needs of a First Nation seeking to acquire public utility assets” and “The UCA be amended to require the BCUC to consider the principles of UNDRIP when considering the CEA energy objective to “foster the development of first nation... communities...”;
- **FNLC Climate Strategy and Action Plan (2023)** – Developed by the First Nations Leadership Council, Objective 4.8.1 refers to, “Facilitate First Nations energy independence and energy security while building sustainable economies within First Nations communities by supporting First Nations participation and ownership

approach was being reflected, i.e. It continues to be the First Nation that holds aboriginal rights and title in British Columbia under section 35 of the constitution, as opposed to an individual level whether that individual be Indigenous, Inuit or Metis. More information on the Distinctions-based approach can be found here: <https://www2.gov.bc.ca/gov/content/governments/indigenous-people/new-relationship/united-nations-declaration-on-the-rights-of-indigenous-peoples/distinctions-based-approach>

⁴ B.C. Declaration Action Plan 2022-2027 Actions 2.12 and 4.43

- in the generation, transmission, and distribution of clean energy (renewable, non-combustible and/or low carbon energy sources)”).
- **Ministry of Energy Mines and Low Carbon Innovation January 15th 2024 Ministerial Mandate letter** requires the Minister to “Work with B.C. Hydro to implement its Electrification Plan and to ensure the province is well positioned to electrify B.C.’s economy and industry, including options for Indigenous ownership and/or equity interest in B.C. Hydro infrastructure and Indigenous partnership in clean energy projects”;
 - **New Relationship Trust (NRT) and the BC Indigenous Clean Energy Initiative (BCIECI) (2023)** – announced a \$140M initiative to support distribution scale projects for First Nations. A discussion paper on the \$140M program was released in 2024.

Remote Communities and the Non-Integrated Area

Remote First Nations including those on BC Hydro’s Non-Integrated Area in BC (see Figure 1) are defined as those not connected to the BES. These First Nations, compared to those grid, connected have expressed an urgent need for greater clean energy development and supports in their communities to displace existing diesel generated electricity. Representatives of remote First Nations highlighted specific programs and policies attempting to deliver on their Nation’s objectives:

- **Clean BC Roadmap to 2030 (2021)** CleanBC targeted 80% diesel reduction by 2030, and Canada aims to eliminate it;
- **BC Hydro’s Non-Integrated Area (NIA) Diesel Reduction Strategy (2021):** BC Hydro manages 13 remote service areas- approximately 6800 customers- most of which are First Nations members. There are five hydro power projects operating in the NIA and the remaining power is diesel. In 2021 BC Hydro had established a “Diesel Reduction Strategy” with a performance metric to be determined.⁵ However since 2021 BC Hydro has replaced the targeted diesel reduction strategy with instead a general “NIA planning framework” (for more information see BCUC Final Order G-266-24).
- **BC’s Remote Community Energy Strategy Working Group (2021)** The province has a remote community division and created a First Nations working group;
- **NRT’s (Community Energy Diesel Reduction) CEDR program (2022)** Began at \$30M and now doubled in size for another two- three years.

⁵ BC Hydro Revenue Requirements Application 2023-2025, Operating Costs Page 5-46
https://docs.bcuc.com/documents/proceedings/2021/doc_64005_b-2-bch-f23-f25-rra-public.pdf

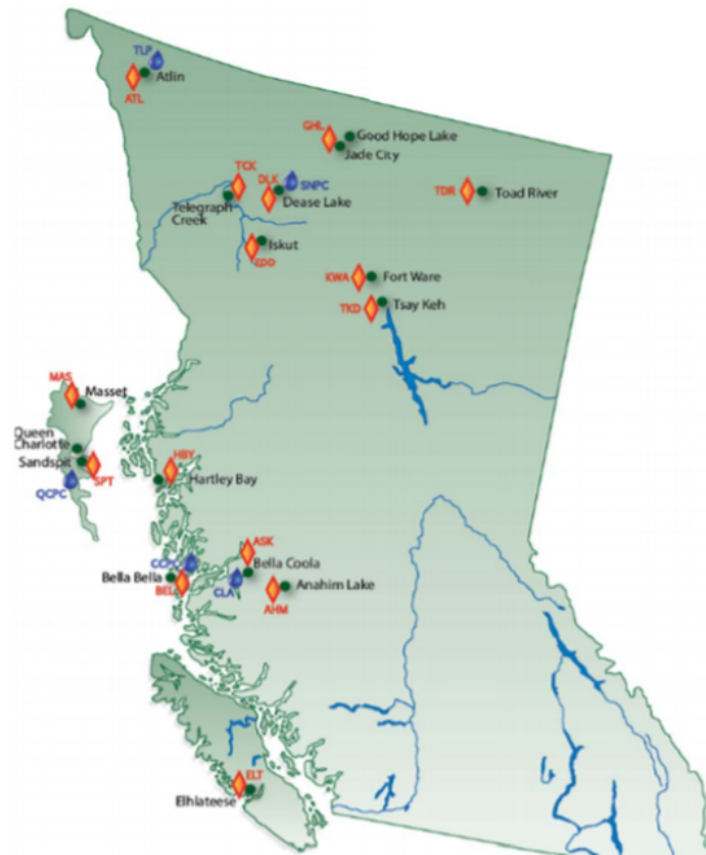


Figure 1BC Hydro Non-Integrated Areas, (BC Hydro, 2016)

The majority of the provincial policies implemented were led by EMLI, or in the case of NRT funding for their BCIECI was provided by EMLI. The Ministry and its Minister are also ultimately responsible for BC Hydro as a crown corporation and the primary electricity service provider in BC. For remote communities in particular the importance of BC Hydro was consistently raised as its understood that the majority of diesel generated electricity emissions results from the Non-Integrated Area communities (NRCAN, 2019).

Expressed First Nations themes and priorities in the Clean Energy sector

Over the years 2021-2024 numerous engagement sessions on the provinces objectives in clean energy were held with First Nations. Many of these engagement sessions were organized through the FNCEO process led by the FNEMC. It is through the work of the FNEMC that the opportunity to capture the below themes and priorities was made possible. Throughout engagements First Nations representatives expressed many themes and particular items of importance for government consideration. Those themes and expressed priorities were then discussed amongst a collective of Indigenous experts and are offered below for the consideration of policy makers when designing effective clean energy policy that simultaneously aims to implement UNDRIP.

Relevant Theme: Government to Government Planning

- Prioritizing an agreed to process for shared decision making in the sector
- Identifying solutions to address clean energy developments in shared territory
- Improving Regional Planning and in particular supporting increased Land Guardian Programs
- Improved Data Sharing to support Indigenous-led projects
- Addressing misalignment between the Province and BC Hydro's mandate when it comes to working with First Nations
- Transparency in evaluation of government programs designed for First Nations, including:
 - More meaningful information sharing
 - The need for performance metrics with Indigenous led evaluation
- Implementing Free Prior and Informed consent
- Implementing First Nations Land and Water rights

Relevant Theme: Economic Opportunities

- Mandating Indigenous clean energy infrastructure ownership and minimum equity stakes
- Increasing opportunities for First Nations technical education in the sector
- Resourcing the development of Indigenous Utilities in BC
- Developing industry partnerships in the sector
- Ensuring capacity funding and resources are consistently available to First Nations to engage on developments.
- Providing access to capital through grants and loan guarantee programs for project development
- Implementing long term training and employment programs in the sector

Relevant Theme: Energy Affordability

- Improving home heating costs for all First Nations and in particular northern communities
- Ensuring home and building improvements optimize energy efficiency for the benefit of the First Nation
- Addressing rising energy costs

The themes and priorities captured reflect a need for innovative policy that recognises the co-benefits of government commitments to UNDRIP and clean energy development. When aligning these themes and priorities with the articles of UNDRIP, First Nations representatives and Indigenous experts identified the following UNDRIP articles as holding particular importance:

Table 1 UNDRIP articles in relation to the expressed theme of Government and Government Planning in the clean energy sector

Government to Government Planning	UNDRIP article(s)
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	<u>Articles 18</u>
States shall establish and implement, in conjunction with 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.	<u>Articles 27</u>
1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources. 2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources. 3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.	<u>Article 32</u>
Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.	<u>Article 40</u>

Table 2 UNDRIP articles in relation to the expressed theme of Economic Opportunities in the clean energy sector

Economic Opportunities	UNDRIP article(s)
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.	<u>Article 21.2</u>

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.	<u>Article 23</u>
Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.	<u>Article 26</u>
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.	<u>Article 28</u>

Table 3 UNDRIP articles in relation to the expressed theme of Energy Affordability

Energy Affordability	UNDRIP article(s)
Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.	<u>Article 2</u>
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.	<u>Article 29</u>

The articles referenced above along with UNDRIP in its entirety represent for First Nations a minimum standard of rights, however Article 19 of UNDRIP was consistently raised as most critical for UNDRIP implementation to occur. Article 19 reads as follows,

“States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.”

Early evidence on the need for tri-partite policy development (Federal, Provincial and First Nations collaboration a necessity)

In BC, the electricity grid is already comprised of over 90% non-emitting electricity (half of 1% of all emissions to begin with) (see Figure 3). And nearly all electricity sales in BC

are managed by the provincial crown corporation BC Hydro. So, for those First Nations looking to renewable energy as an economic opportunity, the incentive for the Province of BC to support these developments does not exist to the same degree that it may with other provinces. In fact, until 2023 BC Hydro identified a provincial clean power surplus and made argument that additional clean power generation is unnecessary (IRP 2021). However, this argument was countered by evidence from industry, academia, and First Nations over the course of public proceedings, and in 2023 BC Hydro re-assessed their clean power supply and determined the need for an additional 3000 Gwh annually beginning in 2028. As a result of this change a competitive call for power for the BC clean energy sector was announced.

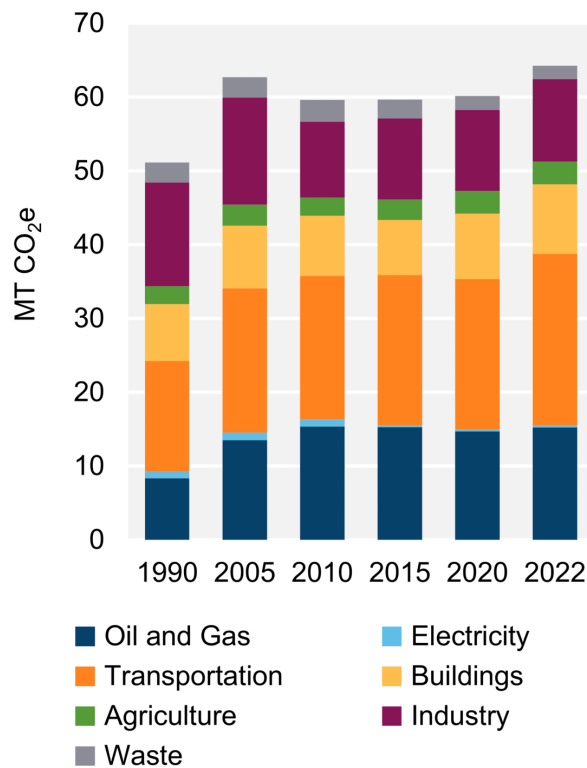


Figure 2 BC's energy profile, Canada Energy Regulator 2024

BC Hydro then undertook engagement with First Nations and industry on the design of the Call for Power process. Consistent with engagement led by the Province of BC, much of the feedback received by BC Hydro from First Nations on the Call for Power initiative included the need for access to capital so that First Nations could hold ownership in the clean power projects proposed for development. As a result, in February 2024, the BC government announced the First Nations Equity Financing Framework, which includes an Indigenous equity loan program, however to date no further details have been announced (BC Budget, 2024). In comparison, in 2019 the Alberta government created the Alberta Indigenous Opportunities Council (AIOC) a crown corporation with an independent board of directors that is mandated to, “support Indigenous investment in natural resources,

agriculture, telecommunication, transportation and tourism projects, using up to \$3 billion in loan guarantees to help make it easier to access capital, improve lending terms and make financing more affordable.”

That same year in 2024, the federal government also introduced their own Canada Indigenous Loan Guarantee Corporation, as part of the federal government’s, “commitment to economic reconciliation, the government announced in Budget 2024 that it will provide up to \$5 billion in Indigenous loan guarantees to unlock access to the capital needed for Indigenous groups to make major economic investments” (Canada ILGC, 2024) However its understood that the \$5 billion figure announced was quickly allocated to already proposed projects (AIOC 2024).

In absence of a First Nations loan guarantee program in BC, BC Hydro set out to develop a unique program with the Canada Infrastructure Bank (CIB) specifically for the Call for Power. CIB is a crown corporation of the federal government mandated to invest in revenue generating infrastructure projects. In the instance of BC Hydro and the Call for Power, CIB committed to “support the Call by making a loan package available to all winning bidders,” further details are available to registered bidders (CIB 2024).

The federal government and specifically NRCAN continues to support the province and First Nations efforts to decarbonize and increase clean energy development. One such program launched in 2021 is the \$4.5 billion Smart Renewables and Electrification Pathways (SREP) program. SREP, “supports the deployment of clean electricity infrastructure – such as wind turbines, solar panels, batteries and other technologies – and aims to modernize and strengthen the electricity grid to ensure a reliable, affordable and decarbonized electricity system for all Canadians.” SREP’s latest call for proposals included three highly relevant streams to First Nations. The first is the Critical Regional Priorities Stream, “Funding to help provinces and territories decarbonize their electricity systems, with a focus on maintaining affordability and reliability.” The second is the Indigenous-Led Clean Energy Stream, “Funding to increase meaningful and equitable Indigenous participation in decarbonizing the electricity system.” The third is the Utility Support Stream, “Funding for utility and system operator-led projects, such as grid modernization, technology upgrades, and upgrades and expansions to transmission and distribution systems.” All three streams are applicable to the expressed objectives of First Nations in BC.

For remote First Nations in BC the federal government also developed unique initiatives, and the following programs were noted:

- NRCAN CleanEnergy and Remote Community Division (CERRC) has created a “hub” with all other ministries to ensure ease of access to capital for new projects and upgrades for remote communities (a 6 year \$220M fund). This fund has an Indigenous advisory board, including two representatives from BC, which reviews and makes recommendations on all proposals (CERRC 2024).
- Canada also has the Indigenous off diesel Initiative (IODI) (a \$20M fund) which is supported by Indigenous Clean Energy (ICE) and the Pembina Institute. However

here, it's critical to note that Canada's efforts can only go so far when the existing infrastructure is managed under provincial jurisdiction via BC Hydro as the crown corporation responsible for the Non-integrated area (ICE 2024).

While all the above aims to deliver on First Nations expressed calls for support as well as access to capital and grants for clean energy development, these programs also aim to deliver on the federal government's commitment to implement UNDRIP (Canada's United Nations Declaration on the Rights of Indigenous Peoples Act became law on June 21, 2021). However, due to the distribution of legislative powers putting clean power development, permitting, and to a large extent sales within provincial jurisdiction, regardless of federal support, First Nations objectives in the sector can only go so far. Recognizing this, in 2022 NRCan announced the Regional Energy and Resource Tables (RERT), a table designed to foster partnerships, "between the federal government, and individual provinces and territories, with collaboration from Indigenous partners" (RERT, 2024). BC's RERT was one of the first tables launched, and also included collaboration with the FNLC. The partners engaged with First Nations and stakeholders on, "regional growth opportunities and potential actions to advance them." In the BC table the partners agreed to focus on six key areas, nearly all of which related to clean energy development, those areas were critical minerals, electrification, clean fuels/hydrogen, forest sector, carbon management technologies and regulatory efficiency. Overall the RERT table demonstrates recognition that both levels of government and First Nations organizations are needed to deliver the more comprehensive policy solutions needed to implement UNDRIP in the clean energy sector.

Guidance for effective Policy design

Having participated directly in numerous discussions and engagements on the topic of aligning UNDRIP with BC's clean energy sector, we present lessons and guidelines below. These guidelines aim to support the development of innovative policy for the purpose of enhancing provincial and federal government efforts in UNDRIP implementation while still recognizing the commitment to UNDRIP implementation in BC requires an alignment of laws. However, until Section 3 of the Declaration Act and the alignment of laws is fully implemented under the guise of Indigenous leadership, policy design aimed at UNDRIP implementation in the clean energy sector can be improved.

Guidance 1: Encourage early engagement and dialogue through a First Nations-led organization

Too often government commitments to engage and consult are led by non-Indigenous individuals, instead of appropriately contracting an Indigenous led organization to design and facilitate the engagement. Through this approach not only are increased opportunities created for Indigenous led organizations and businesses but also the facilitator brings an Indigenous world view and relatability that lends to more open and transparent dialogue.

Guidance 2: Establish an Indigenous steering committee comprised of First Nations representatives that is adequately resourced for meaningful engagement to occur

For many years the Province of BC has utilized the tool of an Indigenous Advisory committee to provide guidance and input as policy changes are being considered. However too often these committees are not provided the financial resources required for the members to commission their own analysis and seek advice from their own chosen professionals such as lawyers and economists. Ensuring these committees are provided resources to support informed responses to policy proposals is required. Additionally, a co-development approach to policy should occur from the onset of policy consideration (see Province of BC, Section 3 Interim guidance on Alignment of law 2021).

Guidance 3: Prioritize items through additional collaboration with First Nations

Following engagement on clean energy opportunities, governments must continue to work with First Nations organizations as well as Indigenous contractors to support prioritizing and work planning of items raised. Work with the resourced First Nations committee or organization to co-develop a work plan to implement near term action. Too often engagement occurs with only a summary report provided to participants instead of next steps that include continued resources to co-develop policies with continuing First Nations guidance.

Guidance 4: Create a process for Indigenous-led evaluation of the policy that utilizes metrics and measurable targets

Policies developed to implement UNDRIP, like all policies designed by government institutions, should be met with performance metrics and transparent evaluation. However, policies designed specifically to advance reconciliation and UNDRIP implementation should always be evaluated by Indigenous peoples and organizations. Policies should be co-developed via an Indigenous steering committee (Guidance 2) and then inclusion of performance metrics for that policy, and insurance of resources for the Indigenous committee to perform evaluation should be provided. Through all work planning exercises, actions and resources must be provided for Indigenous-led evaluation of policy including the design of metrics and measurable targets.

Guidance 5: Support implementation of policy by ensuring access to capital is available through loan guarantee programs

While mandating minimum equity requirements for clean energy development can be helpful if done right, without access to capital and loan guarantee programs these efforts and objectives will fall short. Too often First Nations express barriers to accessing capital and BC and all provinces should take a lesson from Alberta in this regard and BC should deliver on their announcement for a loan guarantee program immediately.

Conclusions

In order for UNDRIP implementation to occur, Section 3 of the Declaration Act and an alignment of laws must transpire. In BC, those pieces of legislation most relevant to advancing First Nations economic opportunities in the clean energy sector are the Clean Energy Act, the BC Hydro and Power Authority Act and the BC Utilities Commissions Act. However, how and when legislative alignment will occur has yet to be determined. In absence of legislative alignment however the province has made efforts toward policy design that attempts to align the two objectives of UNDRIP implementation and clean energy development. While some gains have been made in building First Nations participation in the sector, we have argued here that tri-partite initiatives with the federal and provincial governments and First Nations organizations have been proven necessary in specifically the area of improving access to capital to deliver on First Nations expressed objectives. The guidance presented here has value for all levels of government and industry that are seeking to align First Nations objectives with clean energy development.

This project has been supported by Environment and Climate Change Canada's [Economics and Environmental Policy Research Network](#) (EPRN).

It is through the BC First Nations Energy and Mining Council and their leadership that many of the engagements observed by the authors and Indigenous experts contributing to this project were able to occur.

References

Alberta indigenous Opportunities Corporation, 2024, <https://theaioc.com/>

Awāsis, Sākihitowin. "Gwaabaw: Applying Anishinaabe harvesting protocols to energy governance." *The Canadian Geographer/Le Géographe canadien* (2020).

British Columbia Utilities Commission, BC Hydro 2021 Integrated Resource Plan, 2024, <https://www.bcuc.com/OurWork/ViewProceeding?applicationid=965>

BC Hydro, Request for input Non-Integrated Area Rates, 2016, <https://www.bchydro.com/content/dam/BCHydro/customer-portal/documents/corporate/regulatory-planning-documents/regulatory-matters/tsay-keh-dene-presentation-20161026.pdf>

BC Hydro, Call For Power, 2023, <https://www.bchydro.com/work-with-us/selling-clean-energy/2024-call-for-power/background-and->

BC Hydro, UN Declaration Implementation Plan, 2024, <https://www.bchydro.com/content/dam/BCHydro/customer-portal/documents/corporate/community/bc-hydro-un-declaration-implementation-plan.pdf>

BC Budget, 2024, https://www.bcbudget.gov.bc.ca/2024/accessibility/2024_Background_4_Strong-Clean-Economy.htm#:~:text=Budget%202024%20establishes%20enabling%20tools,First%20Nations%20Equity%20Financing%20Framework.

British Columbia Utilities Commission, Indigenous Utilities Regulation Inquiry ~ Project No. 1598998, 2020, <https://www.bcuc.com/OurWork/ViewProceeding?applicationid=669>

Canada, Indigenous Loan Guarantee Corporation, Department on Finance, 2024, <https://www.canada.ca/en/departement-finance/news/2024/12/canada-indigenous-loan-guarantee-corporation.html>

Canada, United Nations Declaration on the Rights of Indigenous Peoples Act (S.C. 2021, c. 14), <https://laws-lois.justice.gc.ca/eng/acts/U-2.2/>

Canada Energy Regulator, Provincial and Territorial Energy Profiles – British Columbia, 2024, <https://www.cer-rec.gc.ca/en/data-analysis/energy-markets/provincial-territorial-energy-profiles/provincial-territorial-energy-profiles-british-columbia.html>

Canada Infrastructure Bank, 2024, <https://cib-bic.ca/>

Curley, Andrew. "A failed green future: Navajo green jobs and energy “transition” in the Navajo Nation." *Geoforum* 88 (2018): 57-65.

First Nations Energy and Mining Council, 2024, <https://fnemc.ca/>

First Nations Leadership Council, 2024, <https://www.bcafn.ca/about-bcafn/our-partners/first-nations-leadership-council>

First Nations Leadership Council, Climate Strategy and Action Plan, 2024, <https://fnlccclimatestrategy.ca/>

Government of British Columbia, Indigenous Clean Energy Opportunities, 2023, <https://indigenoucleanenergyopportunities.gov.bc.ca/>

Indigenous Clean Energy Canada, 2025, <https://indigenoucleanenergy.com/>

Natural Resources Canada, “Clean Energy for Rural and Remote Communities Program” 2025, <https://natural-resources.canada.ca/funding-partnerships/clean-energy-rural-remote-communities-program>

Natural Resources Canada, “Remote Communities Energy Database,” 2019. <https://atlas.gc.ca/rcedbdece/en/index.html>

Natural Resources Canada, SREP, 2024, <https://natural-resources.canada.ca/climate-change/green-infrastructure-programs/sreps/23566>

Natural Resources Canada, Regional Energy and Resource Tables, 2024, <https://natural-resources.canada.ca/climate-change/regional-energy-resource-tables>

Natural Resources Canada, BC Regional Energy and Resource Tables, 2024, <https://natural-resources.canada.ca/climate-change/regional-energy-resource-tables/british-columbia-regional-energy-resource-table-one-year-progress-report-summary>

New Relationship Trust 2020, BC Indigenous Clean Energy Initiative, <http://www.newrelationshiptrust.ca/initiatives/bcicei/>

New Relationship Trust, Community Energy Diesel Reduction, 2024, <https://newrelationshiptrust.ca/apply-for-funding/clean-energy-grants/community-energy-diesel-reduction-cedr/>

Ozog, Sarah. "Towards First Nations energy self-sufficiency: Analyzing the renewable energy partnership between T'sou-ke Nation and Skidegate Band." *Unpublished master's thesis, University of Northern British Columbia, Prince George* (2012).

Province of BC, Declaration on the rights of indigenous peoples Act, 2019
<https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/4th-session/bills/first-reading/gov41-1>

Province of BC, CleanBC, 2018
https://blog.gov.bc.ca/app/uploads/sites/436/2019/02/CleanBC_Full_Report_Updated_Mar2019.pdf

Province of BC, Clean Energy Act, Section 6-5, 2010,
https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/10022_01

Province of BC Declaration Act Action Plan, 2021,
https://www2.gov.bc.ca/assets/gov/government/ministries-organizations/ministries/indigenous-relations-reconciliation/declaration_act_action_plan.pdf

Province of BC Distinctions-based Approach, September 17 2024,
<https://www2.gov.bc.ca/gov/content/governments/indigenous-people/new-relationship/united-nations-declaration-on-the-rights-of-indigenous-peoples/distinctions-based-approach>

Province of BC Interim approach, 2022, <https://declaration.gov.bc.ca/declaration-act-secretariat/interim-approach/>

Province of BC, Powering Our Future: BC's Clean Energy Strategy, 2024
<https://www2.gov.bc.ca/gov/content/industry/electricity-alternative-energy/powering-our-future>

Province of BC, Ministry of Energy Mines and Low Carbon Innovation, January 15 2024
Mandate letter, https://www2.gov.bc.ca/assets/gov/government/ministries-organizations/premier-cabinet-mlas/minister-letter/emli_-_osborne.pdf

Sayers, Judith, "Opportunities and Barriers for the B.C. Declaration of Rights Act,"
Yellowhead institute, p. 13, <https://yellowheadinstitute.org/wp-content/uploads/2020/12/yellowhead-institute-bc-undrip-report-12.20-compressed.pdf>

United Nations Declaration on the Rights of Indigenous Peoples, UN, 2007,
https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf