

Transformative Actions for the Advancement of the United Nations Declaration on the Rights of Indigenous Peoples: *The Next \$100 Million*

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Overview

The Real Estate Foundation of BC (REFBC) is a philanthropic organization working to advance sustainable, equitable, and socially just land use across BC. REFBC was created by provincial legislation in 1985; the money that REFBC grants is a benefit of residential real-estate transactions.

REFBC acknowledges that it works in the territories of First Nations across BC. The Foundation is committed to working in partnership with First Nations and supporting reconciliation with Indigenous Peoples.

Taking steps to uphold the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is central to this commitment. This draft report outlines how UNDRIP relates to REFBC's work, then identifies multiple actions in support of UNDRIP implementation for the Foundation consider.

First and foremost, this draft report is meant to invite dialogue and input from First Nations, the title and rightsholders of their territories; Indigenous-led organizations; and REFBC's Indigenous partners and advisors. REFBC also intends to engage grantees, organized real estate, and the broader public in discussion on the path forward.

Thank you for reviewing this draft report. Your input will help REFBC create its first UNDRIP action plan and put its UNDRIP commitment into policy and practice.



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We recognize and acknowledge the x^mməθkwəyəm (Musqueam), Sḵwxwú7mesh (Squamish), and səlilwətaʔ (Tseil-Waututh) Nations, as well as First Nations across BC, on whose territories we live, work, and learn.

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Background & Context Setting

The Real Estate Foundation of BC and Its ‘Money Story’

The Real Estate Foundation of British Columbia (“REFBC”) is a philanthropic organization working to advance sustainable, equitable, and socially just land use across what is referred to as BC. REFBC funds projects, builds relationships, and shares knowledge among Indigenous and non-Indigenous communities in an effort to advance a healthy environment that supports thriving, resilient, liveable communities from one generation to the next.

The money that REFBC grants is a benefit from real estate transactions. When a deposit is made on the purchase of a residential property in BC — and placed in a brokerage trust account at a bank or credit union — it earns a little bit of interest. Financial institutions are required to remit this interest to REFBC. This money is pooled and invested in funds screened through an environmental, social, and governance (ESG) framework, as well as impact investments, to generate additional revenue. In turn, REFBC uses its revenue to fund projects and lead initiatives that benefit communities across BC.

While the existence of REFBC provides a community benefit linked to the purchase of a home, the money story is rooted in displacement and theft of lands from First Nations. [REFBC recognizes](#) that colonial approaches to land use and property continue to infringe upon the rights, responsibilities, and relationships of First Nations to lands and waters.

REFBC is committed to supporting reconciliation with Indigenous Peoples and working in partnership with First Nations. REFBC supports the [Truth and Reconciliation Commission of Canada’s 94 Calls to Action](#) as a signatory to The Philanthropic Community’s [Declaration of Action](#) and is embarking on a journey of learning, supporting land-based projects led by First Nations and Indigenous organizations, and committing to uphold the United Nations Declaration on the Rights of Indigenous Peoples (“UNDRIP”).

In December 2021, REFBC Board of Governors approved the [2022-25 Strategic Plan](#), which identified a set of goals and objectives to advance REFBC’s mission and vision. Central to these was a commitment to advance the implementation of UNDRIP.

REFBC's Purpose & Interest Areas for Granting

REFBC under the guidance of the Board of Governors administers grant funding in five key areas:



1. Land Use: Land use decisions impact biodiversity, fresh water, built environments, Indigenous communities, and local economies. REFBC invites projects that uphold the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), demonstrate the value of natural assets, encourage partnerships with First Nations, and foster new models for collaboration and decision-making.



2. Fresh Water: Rivers, lakes, streams, and wetlands form freshwater networks that sustain people, ecosystems, and economies. REFBC invites projects that build community capacity for watershed governance, inform decisions through community-based water monitoring, and support Indigenous and non-Indigenous communities to manage and protect our shared water.



3. Built Environments: The built environment generally includes all the “physical stuff” a community is made of, including homes and buildings, energy systems, parks, roads and trails, public transit, and the planning that ties these things together. REFBC invites projects that integrate land use and transportation planning, build a case for climate resilient development, and support collaboration between non-governmental organizations (NGOs), First Nations, and local governments.



4. Food Sovereignty: As part of a sustainable food system, land used for growing and gathering food must be protected now and for future generations. REFBC invites projects that centre Indigenous knowledge and approaches, increase options for land access and tenure, inform land use decisions through research and engagement, and connect Indigenous and non-Indigenous governments and groups.



5. Real Estate Profession: Real estate professionals play an important role as advisors, collaborators, and community champions. REFBC invites projects that grow real estate professionals' knowledge of climate and social justice issues affecting land use and real estate, connect them with land use partners, and help them to serve the public interest and contribute to reconciliation.

Each of these categories of grant-making is directly connected to activities and plans that rely on access and use of unceded Indigenous lands and waters in what is referred to as British Columbia. Among a larger network of philanthropic environmental funders, REFBC is unique in its spatial scope (“BC”) and its granting focus on land use, fresh water, and food sovereignty. This is the driving “why” behind the Transformative Actions for UNDRIP Advancement: The Next \$100 Million (“TAUA”).

Since its establishment in 1985, REFBC has granted over \$100 million to projects across the province. This is a significant impact, and investment into communities, land and waters, and the real estate profession. For the majority of the past 35 years, REFBC did not track the number of Indigenous-led projects as a data point. Moreover, where partnerships were claimed by non-Indigenous

organizations and communities with their Indigenous counterparts, REFBC has not probed into the nature of those partnerships until recently.

In 2021, with the development of the Healthy Watersheds Initiative (“HWI”), REFBC had an opportunity to glean critical insights on the importance of Indigenous-led work to support the advancement of UNDRIP. Throughout 2021 and 2022, REFBC integrated the learnings from HWI into their core granting and operations, which are also reflected in TAUA. One of these learnings was the tracking of Indigenous and non-Indigenous projects, applications, and outcomes.

Data gathered through proposal intakes and interim and final reporting is how a foundation tells the story of its impact — positive, negative, or neutral — on Indigenous peoples and lands. This action plan is intended to set a path to more meaningfully gather such data, and to use it to make more informed decisions about REFBC’s contribution to UNDRIP advancement.

REFBC’s Governance

REFBC is governed by a [Board of Governors](#) that oversees the operations of the foundation, provides strategic direction, and maintains accountability for the granting and investment activities. The Board meets quarterly, and is comprised of appointed individuals. Appointing bodies include:

- BC Minister of Finance (3)
- Union of BC Municipalities (1)
- BC Real Estate Association (1)
- Real Estate Institute of BC (1)
- BC Non-Profit Housing Association (1)

Currently, there are three Indigenous individuals who sit on the seven-member Board. These individuals were selected for their experience and expertise, and do not represent any form of quota for Board composition. Additionally, there currently is no mandate to have a certain number of Indigenous Board members. Finally, there is currently no First Nations or Indigenous organization or political entity that has appointing powers to the Board of Governors.

The Board appointing bodies are determined under the governing legislation for REFBC — the [Real Estate Services Act](#). Therefore, changes to the number of Board members and appointing bodies to the Board of Governors would require change to this provincial legislation. In recent years, current REFBC leadership has worked with the appointing bodies in an attempt to prioritize Indigenous candidates in the recruitment process.

This action plan will explore different pathways forward for how best to ensure governance of REFBC is inclusive and respectful of Indigenous peoples throughout the foundation’s service area. In doing this, Indigenous Governors may wish to lead transformative governance reform. Inviting Indigenous participation in Board governance that is largely colonially constructed is not transformative, but may be a first step.

REFBC's Operations

Currently, REFBC grants through the following funding streams:

1. General Grants: Annual call for proposals in the five interest areas listed above. Eligible recipients are non-profit organizations (including First Nations, charities and societies, non-governmental organizations, universities and colleges, trade associations, and local and regional governments) and community contribution companies. Calls for proposals are normally in February each year.

2. Real Estate Industry Grants: These grants can fund projects led by organized real estate membership institutions serving real estate professionals in BC. Calls for proposals are normally in December of each year.

3. Indigenous Grants Stream: Established as a pilot project in 2022, the Indigenous Grants Stream has been created to provide funding support to Indigenous-led land-based programs. Led by an Indigenous Community Leaders Circle ("ICLC") the program ensures Indigenous decision-making on setting granting values, criteria, processes, and ultimate approval of project applications. Facilitation of the ICLC is provided by [Sanala Planning](#) (formerly Alderhill Planning), an Indigenous-owned company, with advice from [The Circle on Philanthropy](#) and the [REFBC UNDRIP Fellow](#).

→ **In addition to annual grant-making, REFBC leads or collaborates on the following initiatives:**

- **Healthy Watersheds Initiative:** Administering post-pandemic economic stimulus funds from the provincial government to support watershed health, restoration, monitoring and planning while also creating jobs, supporting climate resilience, and advancing UNDRIP, with critical guidance from an Indigenous Leaders Advisory Circle. The 61 projects completed their work in 2023 and REFBC is now supporting the transition to the longer-term [Watershed Security Fund](#).
- **Watershed Security Fund:** Serving a three-to-five-year interim stewardship role for an initial \$100M investment from the Province of B.C. to kick start the creation of an independent, long term Watershed Security Fund, to be co-developed and co-governed with First Nations. REFBC will work with the First Nations Water Caucus, First Nations Fisheries Council, a multi-interest Steering Committee (still to be formed), and other partners to support the co-development process for the Permanent Fund entity, and interim program development and delivery to support watershed security projects and initiatives.
- **Land Awards:** Hosting and convening community leaders, organizations, government representatives, and Indigenous leaders every two years to celebrate leadership in sustainable, equitable, and socially just land use and real estate across BC.
- **Impact Investment:** Investing a portion (up to 20%) of the REFBC portfolio in 'impact first' projects or funds that offer social or environmental benefits.
- **Research & Collaboration:** Outside of the regular granting streams, REFBC often supports strategic research initiatives, or convenes working groups on specific topics related to sustainable, equitable, and socially just land use. These projects are approved by the Board of Governors, when the amount exceeds \$50,000. For smaller projects, approval is provided by the CEO.

REFBC is operated by a team of 12 full-time staff, with additional contract support provided by various consultants. Currently one staff member is an Indigenous individual. Recent jobs postings have prioritized Indigenous applicants. Past and current Indigenous contractors include: [Hlimoo Sustainable Solutions](#), [Nahanee Creative](#), and [Sanala Planning](#).

In addition to contract support, REFBC procures various goods and services for Board meetings and special events, and normally seeks to prioritize Indigenous businesses and communities for procurement opportunities. Currently, there is no formal policy that guides or directs Indigenous staff representation, contractors, and procurement. Efforts to increase Indigenous representation across these REFBC activities have been informal and led by current the CEO and all staff. REFBC's relationship with The Circle on Philanthropy also includes contracting support, advisory services, training for REFBC Board and staff, and other strategic collaborations.

The United Nations Declaration on the Rights of Indigenous Peoples

[The United Nations Declaration on the Rights of Indigenous Peoples](#) (“UNDRIP”) was adopted at the United Nations General Assembly on September 13, 2007. UNDRIP contains 46 Articles recognizing and affirming fundamental inherent rights of Indigenous peoples globally. UNDRIP does not grant rights, nor does it have the power to take away or modify existing treaty and other rights. Rather it recognizes inherent rights, aligns them with international human rights laws and standards, and calls on state governments to uphold them.

[The Coalition for the Human Rights of Indigenous Peoples](#) promotes the full and effective implementation of UNDRIP and urges that in addition to government action to uphold the Articles, that:

Civil Society organizations work cooperatively with Indigenous peoples, in promoting and implementing their human rights and maintaining the Declaration as a living instrument. [and]:

Corporations and investors ensure their human rights policies and businesses practices incorporate the standards in the Declaration. (page 40)

As a creature of provincial statute, REFBC operates at arms-length from state governments, but is inextricably tied to the provincial government as well as the real estate industry in BC. REFBC receives its core revenue from interest earned on the deposits buyers place in real estate trust accounts when purchasing residential properties. Given that in BC these take place on unceded Indigenous lands, there is a unique responsibility to work to uphold UNDRIP in the Foundation's operations and governance.

The history of UNDRIP is a lengthy one, going back to at least 1981, with the Cobo Report on the [Problem of Discrimination Against Indigenous Populations](#) submitted to the United Nations General Assembly by Special Rapporteur José Martínez Cobo. Representatives from across the world convened over many years to draft UNDRIP and to bring forward drafts to the General Assembly in concert with the [UN Permanent Forum on Indigenous Issues](#).

When UNDRIP was adopted in 2007, four countries voted to oppose it: Canada, the United States, Australia, and New Zealand. All have since removed their objector status, and become full supporters. Canada removed its objector status in 2016, and brought into effect its [legislative interpretation](#) in 2021. The BC provincial government was earlier to adopt UNDRIP in legislation, with the [Declaration on the Rights of Indigenous Peoples Act, 2019](#).

The provincial legislation in BC calls for government to take all measures necessary to ensure the laws of British Columbia are consistent with the Declaration (UNDRIP). As the Real Estate Services Act is a provincial law, it is important for REFBC to examine their operations and governance in light of UNDRIP, and to plan for short, medium, and long-term actions that will ensure consistency and compliance.

Indigenous Peoples in REFBC's Service Area

REFBC supports projects and investments in what is referred to as British Columbia. Within this service area, the Indigenous population is recorded at close to 300,000 or roughly 6% of the total population. Indigenous peoples are a fast growing and young population, in comparison to other demographics.

Indigenous peoples include First Nations, Inuit, and Métis. In BC, those who have lands or territories are First Nations. There are [204 individual First Nations](#), represented through both [Indian Act](#) band councils, as well as traditional forms of government, and modern-day treaty First Nations governments. Each nation is distinct culturally, socially, and politically. This reality makes pan-Indigenous policies, plans, and actions inappropriate and challenging. Moreover, it is each nation's interpretation of UNDRIP that is most relevant for those who operate or reside in their respective territory.

The history and ongoing colonization of this province has resulted in the fracturing of larger nations into smaller Indian Act bands; in some cases larger nations with populations in excess of 10,000 have been fractured into smaller bands of approximately 50 members. Similarly, larger language families have indicated historic alliance, intermarriage, and trade, but over time Indian Act bands have become more numerous and not been in alignment with historic language and political bodies. To this end, numerous Tribal Councils, regional organizations, and provincial level political bodies have formed to bring First Nations together on issues common to them. For example, the [BC First Nations Leadership Council](#) includes representatives from the [BC Assembly of First Nations](#), the [Union of BC Indian Chiefs](#), and the [First Nations Summit](#).

The BC First Nations Leadership Council has also created various councils focused on lands and waters including: the [First Nations Fisheries Council](#), the [BC First Nations Energy and Mining Council](#), and the [First Nations Forestry Council](#).

The UNDRIP Fellowship at REFBC

Building on the learnings from the Healthy Watersheds Initiative through 2020-22, REFBC and Hlimoo Sustainable Solutions created and co-designed the [UNDRIP Fellowship](#) in 2022. This first phase is from 2022-25 and includes the following key outcomes:

1. Advisory Services: Input on final reporting documents for Healthy Watersheds Initiative and guidance on the transition to the Watershed Security Fund. Continued communications and outreach on the [Healthy Watersheds Initiative UNDRIP Evaluation Report](#).

2. Education/Training: Provide three customized learning sessions on UNDRIP for REFBC staff, and one workshop for Board of Governors. Ongoing updates and information sharing on UNDRIP topics to staff and Board. Develop UNDRIP Virtual Library for REFBC staff and Board to ensure on-going learning.

3. Communications & Outreach: Host [webinars](#) and other learning opportunities for potential grantees and other funders on UNDRIP advancement at REFBC. Present at multiple conferences and forums to share the story and encourage dialogue.

4. Grants Oversight: Provide advice and input to grants staff on all grants streams, including criteria, proposal, interim, and final reporting questions and data analysis. Centering UNDRIP in grants documents and communications.

5. UNDRIP Policy Development: This has taken the form of this action plan, and may lead to additional long-term policies on UNDRIP at REFBC.

As the Fellowship moves into year two, the focus will be on:

- Finalization and implementation of Transformative Actions for UNDRIP Advancement, including broader outreach and engagement;
- Review and analysis of initial data gathered from project reporting in response to new UNDRIP-related questions and intake, interim and final reporting;
- Exploring permanence of the Fellowship, including role (contractor vs. employee), requisite qualifications, recruitment, and retention.

Transformative Actions for the Advancement of the United Nations Declaration on the Rights Indigenous Peoples

Purpose & Objectives

The Transformative Actions for UNDRIP Advancement (“TAUA”) sets the course for REFBC and its granting and investment community on how to meaningfully and transparently advance UNDRIP in its work.

→ **The objectives are:**

- To develop, in collaboration with BC First Nations, and REFBC’s grantee and advisor community, a short document that clearly articulates REFBC’s commitment to UNDRIP in its granting work;
- Provide a roadmap for current and potential grantees on how to embody and carry forward this commitment in their projects;
- Identify a clear problem/challenge/opportunity nexus on unceded lands, Indigenous displacement, and redress as outlined in UNDRIP;
- Share a glimpse of the REFBC story in why and how this was developed, but also encourage further inquiry, opportunities for peer learning, and sharing out more broadly in the funding community;
- To provide certainty and communicate commitments to institutional change to Indigenous (specifically First Nations) peoples on the use of funds generated from their unceded lands in BC;
- Provide a starting point and incremental step towards broader transformative institutional change that engages First Nations leadership and communities as decision-makers.

Approach & Methods

The approach taken in drafting TAUA is inclusive, dialogue-focussed, data-driven, and honouring Indigenous experience, knowledge, and direction. The TAUA balances adaptivity (e.g. a ‘living document’) with requisite permanence to provide predictability for grantees and Indigenous communities. Learning through early implementation requires some flexibility and modifications based on experience, without altering fundamental principles and purposes.

The TAUA also balances both quantitative and qualitative outcomes. Measuring the current baseline, as well as future desired outcomes requires both quantitative data (e.g. percentage of projects and funding amounts approved in General Grants that are Indigenous-led) as well as story-telling, learnings, and insights from grantees and others associated with REFBC.

The general methods and steps taken to finalize the TAUA include:

1. Research and Knowledge Gathering: Desktop and interactive research on UNDRIP application, existing models, relevant provincial initiatives (e.g. [DRIPA Action Plan](#)), as well as REFBC baseline on granting to Indigenous organizations and First Nations, existing application and reporting questions, and reporting formats for REFBC. Synthesizing learnings from Healthy Watersheds Initiative UNDRIP Evaluation Report.

2. Glean Actions from Staff: Through three staff learning sessions led by the UNDRIP Fellow, glean key actions staff are ready and able to commence, and use this as a starting point for broader outreach. Present initial list of actions to REFBC Board of Governors for feedback.

3. Determining Temporal Scale for Actions: Estimate complexity and time needed for each action, and categorize actions accordingly, borrowing from the model of the [City of Vancouver UNDRIP Strategy](#) (Early Action, Longer-Term Change, Deeply Transformative, Legislative Change Required).

4. Outreach & Engagement: Participating in numerous conferences, gatherings, and webinars to share the TAUA story and invite input and feedback from Indigenous peoples, governments (municipal, provincial, and federal), philanthropic networks, and extended an invitation to build relationships with the BC First Nations Leadership Council. Draft TAUA to be open to review for a minimum of four months through REFBC website, with special invitation to The Circle on Philanthropy, First Nations Leadership Council, REFBC Indigenous Community Leaders Circle, Healthy Watersheds Initiative Indigenous Leaders Advisory Circle, current and past grantees, and large gatherings and forums of First Nations in BC.

5. Board of Governors Input & Direction: Present updates and drafts to the REFBC Board of Governors for support, advice, modifications, and ultimate endorsement.

Relevant UNDRIP Articles & Application

All 46 Articles and sub-articles of UNDRIP are critical and interconnected to one another. For those wishing to understand and learn about UNDRIP, reading the entire document is necessary. Additionally, learning about the history of its development globally, and its implementation and lack thereof in Canada is equally important to understand why many Indigenous peoples have fought tirelessly to have it recognized, adopted, and upheld at all levels of government. For the purposes of this action plan, several relevant articles have been identified and outlined below with their significance to REFBC:

UNDRIP Article #	Article Text	Relevance to REFBC
16	Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.	REFBC communications includes storytelling about grantee projects; special care required to ensure permission and consent are secured in sharing Indigenous stories. REFBC communications prioritizes Indigenous journalists, photographers, and multimedia specialists in procurement and collaborations.
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 own procedures, as well as to maintain and develop their own indigenous decision-making institutions.	Projects supported by REFBC grants are on Indigenous lands, waters, or affecting Indigenous rights. Right of decision-making on project design, involvement, leadership. Decision-making on what is funded by REFBC. Participation in decision-making on governance, legislation, policy, or other REFBC actions affecting Indigenous lands and rights.
25	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.	REFBC is a funder largely focused on supporting land use projects. Understanding and respecting Indigenous spiritual relationships and responsibilities to lands and waters has not been historically accounted for in granting processes. Some projects incorporate ceremony into project plans and budgets, but certainly not all.
26	Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.	REFBC revenue generated in connection with sale of unceded lands. Projects supported by REFBC grants on Indigenous lands/waters, or affecting Indigenous rights. REFBC office located in unceded lands of Musqueam, Squamish, and Tsleil-Waututh Nations.
28	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.	REFBC has opportunity to contribute partially to redress for stolen lands through redirecting grant funding to support an increasing # of Indigenous-led projects, carried out by First Nations in their own territories. Redress can also include environmental restoration, supported by REFBC grants, for lands and waters damaged through colonization.

32-2	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 ["FPIC"]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.	FPIC (free, prior, and informed consent) has not been secured in sales of unceded lands which provides revenue stream for REFBC. Responsibility for contribution to redress, accordingly. REFBC does not currently have a policy requiring FPIC for non-Indigenous-led projects applying for funding. Partnerships based in FPIC are emerging, but more work to be done. Prioritizing Indigenous-led work by nations operating in their own territory are primary means to achieve FPIC. Some Indigenous organizations work in other First Nations' territories without FPIC.
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.	REFBC is created by provincial legislation, revenues generated through same. REFBC can redirect funds to support projects that uphold and empower exercise of Indigenous rights. Where projects are not Indigenous-led, budgets should include financial assistance for Indigenous participation.

Transformative Actions — Grants

The mainstay of REFBC operations is in the administration of grants in its five interest areas (through General Grants and Real Estate Industry Grants), and recently the Indigenous Grants Stream. As a philanthropic funder, there are numerous questions that inform the granting process and are especially relevant to Indigenous peoples, their rights, and their lands and waters:

- What type of work is funded? What are the core areas of interest that define the scope of the grant application process? Does the application process take a narrow and siloed approach or a holistic approach?
- How are applications received? What, if any, are the potential administrative or other barriers in the application process?
- Who decides what is funded? Are members of the Indigenous communities who may be affected involved in decision-making?
- What is the time-scale for grants? One-year grants only, or longer-term grants to allow for more meaningful and less rushed work?
- If the project is not Indigenous-led and operating within a First Nation's territory, what exists in the way of partnerships that would indicate free, prior and informed consent?
- What are the reporting requirements, and do they pose any potential barriers to Indigenous peoples? Are there other options for oral reporting, story-telling, or other forms of reporting that align with Indigenous cultural protocols and suitability generally?
- How is project data gathered and shared? How does the funder measure progress on a broad scale? Who is involved in developing progress measures?

These questions help inform how the following actions have been developed, in addition to longer more detailed self-evaluation questions drawn from the [International Funders for Indigenous Peoples Toolkit](#) and through the UNDRIP Fellowship.



Early Action/In Progress

1. Increase and maintain percentage of General Grants that go to support Indigenous-led land, water, and food sovereignty projects consistently from year to year, based on level of interest. Baseline in 2021 was below 5% of total General Grants going to Indigenous-led projects. In 2023, this has increased to over 50% Indigenous-led in the General Grants category.

2. Maintain and increase funds allocated to the Indigenous Grants Stream from \$800,000 to \$2 million annually. Respond to potential requests for additional increases from the Indigenous Community Leaders Circle as they may arise.

3. Incorporate UNDRIP related questions into all Grants documentation including: application Stage 1 & 2, interim and final reporting. UNDRIP Fellow developed questions and they have been incorporated into 2023 processes. Based on responses on a broad scale, refine questions where needed.

4. Further refine partnership categories for non-Indigenous projects that have an Indigenous partnership. Gather data to inform nature of partnerships to inform additional criteria to advance REFBC policy on Free, Prior and Informed Consent for land-based projects.

5. Coordinate and implement webinars and other communications outreach to inform and attract new Indigenous applicants, going beyond familiar grantees, to help ensure regional equity across REFBC service area.

6. Align funding priorities with issues of contemporary significance for Indigenous communities/ First Nations that may include Indigenous Protected and Conserved Areas, climate impacts, Indigenous Guardian programs, and potential legislative reforms under the Declaration on the Rights of Indigenous Peoples Act. For example, previous funding has supported the Gitxaala legal action on Mineral Tenure Act reform.

7. Weight UNDRIP criteria with increasing significance in the review of all applications, where funding requests exceed funds available on an annual basis. Engage UNDRIP Fellow or other key Indigenous advisors on questions of application of the UNDRIP criteria as needed.

8. Support multi-year funding for Indigenous-led or partnered projects to reflect demands on Indigenous organizations' human resource capacity, and to decolonize funding timelines (e.g. bound by fiscal years).

9. Explore removing the requirement for matching funding in General Grant applications submitted by Indigenous organizations and governments. Currently at 50% matching funds required, this has posed a barrier for smaller organizations that apply for multiple sources of funding annually, all with different timelines and requirements. Investing in Indigenous-led work sometimes means full investment, not requisite on other funders' investment.

10. Regularly review and update as needed the [Guide to Funding Priorities](#) to reflect emergent and more urgent priorities amongst First Nations and other Indigenous communities.

11. Regularly review and update as needed and requested by Indigenous and other grantees the REFBC standard grant agreement (contract) to better reflect a trust-based relationship.

12. Prioritize support for research and special projects that assess and analyze the impacts of land and water use policies and practices for First Nations and other Indigenous peoples. For example, an economic impact study of the public and private financial benefits that are derived from the purchase, sale, rent, and/or licensed use of land and water access, and potential opportunities for First Nations to share in the benefits of these practices and resources.

Longer-Term Change

1. Commit to informed, adaptive, and meaningful targets for percentage of Indigenous-led projects of total grants, in both number of grants and total funds distributed. Develop targets in collaboration with BC First Nations, with special attention paid to those First Nations whose territories are most affected by high density residential cities and communities (and thus where the majority of REFBC revenue is generated from).

2. Establish permanent Indigenous Grants Stream (currently a pilot project), allocate an amount agreed upon by the Indigenous Community Leaders Circle, and informed by broader engagement and input on this action plan.

3. Provide an annual report focused solely on UNDRIP outcomes as a permanent accountability and transparency mechanism, in addition to other reporting and communications. Conduct consistent annual outreach to Indigenous communities, nations, organizations, and provincial leadership entities.

4. Develop permanent REFBC policies, informed by leading standards endorsed by Indigenous peoples and broad engagement, that address Free, Prior and Informed Consent in relation to land and water-based projects. Conduct appropriate outreach to inform policy implementation.

Deeply Transformative

1. Develop and apply tools, policies, and granting criteria on how settler organizations can best uphold UNDRIP and thereby ensure the weight of UNDRIP advancement is not only the responsibility of Indigenous peoples. Ensure appropriate resources are provided for effective outreach and engagement to raise awareness and increase uptake.

2. Considering the connection between the source of REFBC revenue and redress, affirm with First Nations permanent targets for the percentage of grants (total number and amount granted) available for First Nations with territories in the REFBC service area (BC), with special attention paid to those First Nations whose territories are most densely populated and represent the largest contributions to REFBC revenue.

Legislative Change Required

Depending on the nature and scope of Deeply Transformative Action #2, legislative change may be required to ensure permanence of commitments to total percentage of grants going to First Nations land and water-based projects. Reform to the Real Estate Services Act may fall under the purview of the Declaration on the Rights of Indigenous Peoples Act [process](#).

Transformative Actions — Governance

Further to the core function of REFBC in its grant-making role, governance is the overarching decision-making function on grant-making priorities, criteria, special projects and research and linkage to grant-making. The current Board is appointed by various appointing bodies, all of which are determined by the provincial legislation that governs REFBC, and none of which are First Nations or Indigenous organizations. There is nothing to preclude appointing bodies from appointing Indigenous individuals into Board positions, but they do not bring with them the weight, mandate and accountability back to a specific First Nations organization.

Early Action/In Progress

1. Prioritize through Board position postings, recruitment, and retention efforts led by the Chief Executive Officer individuals who are Indigenous and have connection to First Nations within the REFBC service area, and have experience in land-based work. Currently three of the seven Board members are Indigenous individuals, appointed by the Minister of Finance, the Union of BC Municipalities, and the BC Real Estate Association.

2. Offer and implement various training sessions with Board of Governors on cultural safety, decolonizing practices, anti-racism, and UNDRIP to ensure Indigenous Board members are supported with appropriate knowledge base and awareness amongst their Board peers.

3. In addition to prioritizing Indigenous candidates for the Board of Governor positions, invite and support Indigenous advisors, contractors, and other collaborators who can provide key insights and guidance to both the Board of Governors and REFBC staff on all aspects of REFBC operations including granting, special projects and research, investments, and special events such as the Land Awards.

4. Continue actioning direction from the Healthy Watersheds Initiative Indigenous Leaders Advisory Circle and the Indigenous Grants Stream Community Leaders Circle on funding criteria and approaches, ensuring two-way communication with the Board of Governors in a collaborative and mutually supportive manner.

5. Extend invitation to First Nations organizations and governments to engage in dialogue on REFBC governance, including potential for First Nations' appointing bodies for Board positions.

6. Recognition of and respect for the Musqueam, Squamish, and Tsleil-Waututh Nations territories on which the REFBC office resides, and provide official support for the City of Vancouver UNDRIP Strategy, and encourage other similar philanthropic funders and grantees to do similarly.

Longer-Term Change

Finalize and affirm REFBC governance structure that ensures First Nations' involvement in decision-making on granting, investments, special projects and research, communications, and other areas of responsibility and activity.

Further to #1, explore and, where called for in First Nations engagement, reconfigure REFBC governance and decision-making processes to better reflect First Nations' diversity of systems of governance, cultural protocols, and practices.

Deeply Transformative

Explore with First Nations partners various governance models and select most desirable and appropriate to uphold UNDRIP in the administration of land-based funding.

Legislative Change Required

Where and if dialogue and engagement with First Nations yields a governance model that requires legislative change, advance the legislative change in accordance with processes associated with the Declaration on the Rights of Indigenous Peoples Act.

Transformative Actions — Operations

In addition to grant-making as a core function, and the decision-making that governs it, REFBC's day-to-day operations at the staff, contractor, grantee, and Board levels are an equally important aspect of REFBC and its ability to respect and advance UNDRIP. From staff hiring and prerequisites, to communications, procurement, and ongoing learning and professional development, there are a multitude of opportunities to infuse UNDRIP throughout the foundation's operations.

Early Action/In Progress

- 1. The UNDRIP Fellow has completed** three customized learning sessions with all REFBC staff on UNDRIP and its applicability to REFBC function and operation. Materials prepared for these learning sessions are available for any new staff in their on-boarding process. Additional learning sessions may be developed as needed to explore in greater depth previously identified themes, or to present more current and up-to-date knowledge on UNDRIP and its implementation as it arises.
- 2. REFBC staff have also completed** Decolonizing Practices training with Nahanee Creative, a Sk̓wx̓wú7mesh Úxwumixw (Squamish Nation) social change consulting firm based in Squamish homelands. Continued ongoing collaboration, partnership, and training will be ongoing based on interest and availability of Nahanee Creative, or other individuals or companies from the Squamish, Musqueam, and Tsleil-Waututh Nations on whose territories REFBC office resides.
- 3. Previously, REFBC staff participated** in The Circle on Philanthropy's Partners in Reciprocity program, and will continue to participate in training provided by the Circle as it informs the transformation of philanthropy and relationships with Indigenous peoples.
- 4. Alongside the Board of Governors,** offer and implement various training sessions on cultural safety and anti-racism to ensure Indigenous Board members, staff and contractors are supported with appropriate knowledge base and awareness amongst their REFBC peers.
- 5. Review and make any needed changes** to the REFBC Employee Handbook to reflect commitments and objectives in TAUA, and address on-going training requirements as it relates to human resource policy.
- 6. Review and make any needed changes** to the REFBC performance evaluation processes (including for CEO), criteria, and personnel involved to reflect this action plan and commitments to UNDRIP.
- 7. Continue to share, profile and celebrate stories** of Indigenous-led land-based work supported by the foundation, and in partnership with the nations and led by REFBC Communications. Include direct sharing with REFBC Board through site visits, and presentations at Board meetings.
- 8. Strengthen and improve process** for REFBC staff and board site visits (grantee projects) in First Nations' territories to ensure respectful permission protocols are followed, and inclusion in site visits where agreed to by the nation. Focus site visits on opportunity, where previous existing relationships do not exist, to build relationships between REFBC leadership and leadership or other designates of the hosting nation.
- 9. Share stories, lessons, and learnings** from the REFBC UNDRIP Fellowship with other funders and encourage similar approaches be taken amongst the philanthropic funding community. Efforts to date include panel and other presentations by the UNDRIP Fellow and senior REFBC staff at conferences, webinars, direct communications with individual funders, and collaborative pooling



of funds for common cause (e.g. Trust-Based Philanthropy Group, Low Carbon Funders Group, BC Freshwater Legacy Initiative, Pacific Salmon Funders).

10. Continue to profile Indigenous leadership and excellence in land and water stewardship at the REFBC Land Awards, including as potential award nominees, judging committees, keynote speakers, performers, and procurement opportunities (e.g. catering, gifts for award winners, etc).

11. Complete UNDRIP Self-Evaluation with all REFBC Staff and Board members, drawn from the Healthy Watersheds Initiative's similar self-evaluation and based off of the International Funders for Indigenous Peoples Toolkit, and led by the UNDRIP Fellow. Utilize findings for continuous improvement, learning, and adaptive change in the advancement of UNDRIP at REFBC.

12. Assess REFBC investment strategies, portfolio management, and criteria with an UNDRIP lens. Identify and remedy potential conflicts, for example in portfolio management and investment in fossil fuel industries and projects which violate Indigenous rights.

13. Promote best practices among investment managers and investee companies with respect to Indigenous rights, reconciliation, justice, equity, diversity and inclusion in all its forms.

14. Work with investment organizations, who advocate on behalf of REFBC, to advance UNDRIP and work on other identified issues by directly engaging with specific companies.

15. Maintain and increase funds invested in Indigenous-led enterprises and Indigenous funds. Highlight Indigenous-led enterprises through communication channels and networks.

16. Incorporate UNDRIP questions into Impact Investment Due Diligence review process.

17. Strengthen partnerships with Indigenous-led organizations that build host capacity to access, share, and evaluate impacts of philanthropic support and relationships. For example, support for the development of The Circle on Philanthropy's Feast House.

Longer-Term Change

1. Develop system to track range and number of decisions made that include Indigenous decision-makers or voices at REFBC. Shift from narrower metric of number of Indigenous staff and Board members, to transparency and accountability on day-to-day and strategic decision-making that includes and upholds Indigenous decision-makers or advisors.

2. Make UNDRIP Fellow permanent role with REFBC. Invite Indigenous leaders, experts, and partners to assume role on temporary and rotating basis (every 3 years) to ensure representation from multiple diverse First Nations across REFBC service area. Modify role as requested by subsequent UNDRIP Fellows.

3. Develop investment strategy that address key findings from the assessment described in Transformative Action #12 above, include Indigenous advisors, Board members and partners/grantees where needed to finalize.

Deeply Transformative

1. Based on outcomes of Governance Longer-Term Change actions identified above, potentially restructure REFBC operations to suit renewed governance model, where informed and identified by dialogue and partnership with First Nations.

Implementation of Transformative Actions

Planning for implementation of any strategic or action plan is critical to its success. The lengthy history of unfulfilled promises to Indigenous peoples further amplifies this point. Moreover, where systemic racism and discrimination occurs, it requires solutions and change that are equally systemic in nature. REFBC staff and Board members take the responsibility to steward funding for land-based work on unceded lands seriously.

Through the staff learning sessions on UNDRIP completed in 2022-23, staff also identified a number of key barriers to transformative change that need to be considered in implementation. They include:

- Fiscal year deadlines for funding to grantees represents a colonial model of work planning, reporting — arbitrary timelines can constrain meaningful, long-term work that is needed in most land and water-based initiatives (this barrier has been addressed and multi-year funding is now available through REFBC).
- The Government Reporting Entity (“GRE”) status at the time (which has since been modified through changes made in March 2023) was identified as a potential barrier to systemic change. REFBC operates at arms-length from the provincial government, but when it was in GRE status this posed challenges in maintaining the arms-length relationship, and could have implications for UNDRIP advancement.
- Interpretation of UNDRIP with a colonial lens. It is critical for Indigenous people themselves, whether staff, Board members, contractors, grantees, project partners, or others to be the voice of authority on how to best implement UNDRIP. Lack of trust can prevent meaningful dialogue that centres Indigenous voices. Trust-building is done best when actions are demonstrated, and go beyond the promises and commitments on paper or shared verbally.
- Sharing power can be challenging for people in leadership positions. Unpacking fears based in white supremacy or systemic racism is critical to ensure the sharing of decision-making power with Indigenous peoples.
- Many people are comfortable with the status quo, and decolonizing work is often an uncomfortable process. Avoiding discomfort is often aligned with avoiding hard truths, and the even harder work to transform colonial organizations.
- Support for movements such as Land Back can be feared by settlers. Fear-based campaigns opposed to Indigenous rights are a cornerstone of politics in BC and Canada. Overcoming fear requires open, transparent and at times uncomfortable reckoning processes that can and have been supported by REFBC through granting and strategic programs.
- Sustainability of change is important to address. Short-term documents like Strategic Plans that cover 3-5 years are a good place to start, but are not systemic in nature and can reflect more of a trend-following approach to setting direction for organizations. Enduring policies, frameworks, and accountability mechanisms are needed to ensure that change is not short-lived and easy to override or undo when seasons change with multiple priorities and demands on REFBC resources.

The following key steps will help ensure committed, systematic, and meaningful implementation of the transformative actions listed above.

Board of Governors Approval

This version of the TAUA was presented for review and feedback to the REFBC Board of Governors in June of 2023. The Board has the opportunity to update and modify subsequent versions and the UNDRIP Fellow seeks endorsement upon completion of Outreach and Engagement outlined below.

Engagement & Outreach

Engagement and outreach will target the following key groups, identified in order of importance with highest priority placed at the top of the list:

1. First Nations governments and organizations (as land/territory holders) and in accordance with UNDRIP Articles 18, 26, and 39 listed above;

Indigenous advisors (Indigenous Community Leaders Circle), contractors, and others who have long-standing or recent relationships with REFBC and who have relevant experience and knowledge to inform this action plan;

Indigenous organizations (those who do not have a land-base or territory within BC);

2. Organized real estate including relevant associations and institutes;
3. Grantee community, including those who have been funded in the past or are interested in accessing REFBC funding such as non-governmental organizations, community groups, non-profit societies, local governments, and regional and province-wide organizations;
4. General public, through open web-based commenting opportunities.

The first draft of this TAUA undergoes a minimum of a four-month review period, during which the above groups will be invited to review and provide feedback in the following ways:

- Announcement on REFBC website, posting of draft document, with contact information for feedback to be submitted;
- Online survey and draft sent to REFBC distribution list that includes past and current grantees, partners, networks of other funders with an invitation to review and respond to questions on sufficiency of draft, concerns, suggested changes, and identification of impacts resulting from the implementation, or other factors to be considered;
- Opportunity for smaller focus groups, targeted interviews, and other engagement mechanisms with Indigenous peoples, advisors, and governments, led by UNDRIP Fellow and including senior staff of REFBC where appropriate;
- Presentations, where invited, by UNDRIP Fellow at key gatherings involving First Nations in BC, including BC Leadership Council, Union of BC Indian Chiefs, First Nations Summit, BC First Nations Fisheries Council, and other appropriate and relevant gatherings;

The results of the engagement and outreach will be reviewed, analyzed for themes, and summarized in a reporting back document to be released publicly prior to formal changes made to the draft. Final changes will be made in early 2024, and the draft will go to the Board of Governors for approval thereafter.

Amendments Process

The need for amending an action plan such as this must balance the objective of enduring systemic change, with an incremental and adaptive approach. Living documents often do not carry as much weight as more permanent ones that are moderately to significantly difficult to modify or amend. For these reasons, the following amendment process is proposed.

- Within no more than three years of the approval of the TAUA, and based on the progress measures on the actions contained therein, REFBC staff and Board will determine whether or not changes are needed to be made, or whether it is replaced by a new more enduring policy or set of policies that enshrine the Longer-Term and Transformative Actions.
- Amendments will undergo a minimum of three months of review and feedback period, in accordance with the Engagement and Outreach process outlined above.
- Any amendments will require Board of Governors approval. As the Board composition changes over time, and may not have Indigenous representation at the time of amendments, other options may include convening a Circle of Advisors made of Indigenous community leaders to review any proposed amendments.

Measuring Progress

Each year, in November or December, a stand-alone report on the implementation success and progress on all of the transformative actions contained in this document will be produced and distributed publicly and to those involved in the Outreach and Engagement process described above.

Independent assessments on implementation progress may be completed from time to time, by organizations or individuals who assess progress from an independent perspective, and bring appropriate knowledge and experience to bear on such an assessment. Organizations who could conduct such assessment include The Circle on Philanthropy and the International Funders for Indigenous Peoples. The UNDRIP Fellow may continue to play a role in the assessment of progress, and is encouraged to maintain independence from REFBC through contract partnership, as opposed to a staff position.

Future Story & Vision

In preparing this TAUA, senior REFBC staff asked the question — what is our future story? What do we envision in that future state if we are successful in advancing UNDRIP? Visioning a future state is an important component for strategic planning, understanding where you are currently at, what needs to change, and how to achieve that change for a new and improved future state.

REFBC wants to move from:

- Uncertainty on how to best support Indigenous rights;
- Difficult or challenging relationships with Indigenous peoples and organizations that cause harm to Indigenous peoples, with emphasis on perception and perfection;
- Funds being generated by the sale of unceded lands with little to no accountability to First Nations;
- Settler-led land-based projects supported by REFBC with minimal to no First Nations involvement, or tokenistic roles;
- Unclear or soft commitments on governance and how Indigenous peoples are involved in decision-making;
- Lacking a clear picture on what amount of REFBC funds are going to Indigenous peoples;
- Fear-based thinking on the return of lands to Indigenous peoples, or redress for lands expropriated without FPIC; and
- Inconsistent, uncoordinated, or scattered approaches to Indigenous rights with no cohesive plan to address systemic change.

REFBC wants to move to:

- An informed position on Indigenous rights, based on listening, active learning, and openness to change;
- Relationships with Indigenous peoples that are reciprocal, respectful, and informed by decolonizing practices, self-reflection and evaluation, and bold transformative commitments matched with concrete, measurable progress indicators and accountability mechanisms;
- Funds generated from sale of unceded lands are redistributed back to First Nations to support and advance healthy land, water, fish, wildlife, food and medicinal plants, and cultures;
- Clear and defensible policies on FPIC and settler-led land-based work, reflected and upheld in grant criteria and review processes, informed by best practices and real-life examples of meaningful partnerships between settler organizations and First Nations;
- Indigenous peoples involved in day-to-day and strategic decision-making processes throughout REFBC, and leading key initiatives related to their rights, supported by ensuring policy of legislative change enshrining these roles;
- Meaningful quantitative and qualitative data gathered systematically and shared back to First Nations and other Indigenous peoples on the annual amounts of funds going to Indigenous-led grants and strategic programs, informing decision-making and adaptive management;
- Active and enthusiastic REFBC support for Land Back and FPIC projects, supported by communications and story-telling with broader settler audiences; and
- Coordinated, holistic, whole of organization approach to advancing UNDRIP at REFBC, inclusive of Board, staff, partners, advisors, grantees and others and with key decisions that include and centre Indigenous voices.

Afterword

As Mavis Underwood, REFBC Governor, shares: “We are all witness to a powerful shift in voice and expression of how Indigenous First Nations have coped, resisted, or experienced efforts to assimilate and change, and we witness investment and efforts to decolonize what has evolved in colonial British Columbia and Canada.”

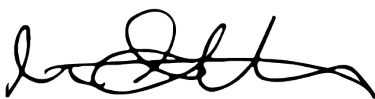
At REFBC, we are trying to start and stay on a path of reconciliation that is grounded in truth. We are striving to embrace the opportunities of working in the spirit of reciprocity, building good relationships, decolonizing our ways of knowing and working, and upholding rights and responsibilities of First Nations and Indigenous peoples as actions, and not merely ideals.

We are deeply committed to the Transformative Actions for UNDRIP Advancement (TAUA) outlined in this draft document, and grateful for the leadership and guidance provided by our UNDRIP Fellow, Tara Marsden. With Tara’s leadership, we are now keen to engage with external knowledge-holders, advisors, and leaders who can help inform REFBC’s journey forward.

We want to recognize the tensions in our story, plan and measure our commitments to action, and make visible what we are (un)doing and (un)learning as we go. Our early steps have been far from perfect, but internally they have already offered gifts of personal, organizational, and community growth and learning, and externally, improved relationships and outcomes.

While interest and questions from any of our stakeholders is welcome, this work is at its best when done with direction and insight of Indigenous leadership. We will take a distinctions-based approach to prioritizing the contributions of First Nations rightsholders, Indigenous-led organizations, and Indigenous advisors. We recognize that while the doing of this work can be difficult, it is rewarding; improves policies, practices, and relationships; and strengthens our ability to make a difference in the lives of lands, waters, and people. We invite you to join us on our path to be better in our learning and action.

Thank you so much for taking the time to review this document, for sharing insights and staying connected, and for partnering with us in implementation.



Mark Gifford
CEO
Real Estate Foundation of BC

Appendix 1: Transformative Actions at a Glance

#	ACTION
	GRANTS — EARLY ACTION/IN PROGRESS
1	Increase and maintain percentage of General Grants that go to support Indigenous-led land, water, and food sovereignty projects consistently from year to year, based on level of interest. Baseline in 2021 was below 5% of total General Grants going to Indigenous-led projects. In 2023 this has increased to over 50% Indigenous-led in the General Grants category.
2	Maintain and increase funds allocated to the Indigenous Grants Stream from \$800,000 to \$2 million annually. Respond to potential requests for additional increases from the Indigenous Community Leaders Circle as they may arise.
3	Incorporate UNDRIP related questions into all Grants documentation including: application Stage 1 & 2, interim and final reporting. UNDRIP Fellow developed questions and they have been incorporated into 2023 processes. Based on responses on a broad scale, refine questions where needed.
4	Further refine partnership categories for non-Indigenous projects that have an Indigenous partnership. Gather data to inform nature of partnerships to inform additional criteria to advance REFBC policy on <i>Free, Prior and Informed Consent</i> for land-based projects.
5	Coordinate and implement webinars and other communications outreach to inform and attract new Indigenous applicants, going beyond familiar grantees, to help ensure regional equity across REFBC service area.
6	Align funding priorities with issues of contemporary significance for Indigenous communities/First Nations that may include Indigenous Protected and Conserved Areas, climate impacts, Indigenous Guardian programs, and potential legislative reforms under the <i>Declaration on the Rights of Indigenous Peoples Act</i> . For example, previous funding has supported the Gitxaala legal action on <i>Mineral Tenure Act</i> reform.
7	Weight UNDRIP criteria with increasing significance in the review of all applications, where funding requests exceed funds available on an annual basis. Engage UNDRIP Fellow or other key Indigenous advisors on questions of application of the UNDRIP criteria as needed.
8	Support multi-year funding for Indigenous-led or partnered projects to reflect demands on Indigenous organizations human resource capacity, and to decolonize funding timelines (e.g. bound by fiscal years).
9	Explore removing the requirement for matching funding in General Grant applications submitted by Indigenous organizations and governments. Currently at 50% matching funds required, this has posed a barrier for smaller organizations that apply for multiple sources of funding annually, all with different timelines and requirements. Investing in Indigenous-led work sometimes means full investment, not requisite on other funders' investment.

10	Regularly review and update as needed the Interest Areas Framework and Funding Priorities document to reflect emergent and more urgent priorities amongst First Nations and other Indigenous communities.
11	Regularly review and update as needed and requested by Indigenous and other grantees the REFBC standard grant agreement (contract) to better reflect a trust-based relationship.
12	Prioritize support for research and special projects that assess and analyze the impacts of land and water use policies and practices for First Nations and other Indigenous peoples. For example, an economic impact study of the public and private financial benefits that are derived from the purchase, sale, rent and/or licensed use of land and water access, and potential opportunities for First Nations to share in the benefit of these practices and resources.
GRANTS — LONGER-TERM CHANGE	
13	Commit to informed, adaptive and meaningful targets for percentage of Indigenous-led projects of total grants, in both number of grants and total funds distributed. Develop targets in collaboration with BC First Nations, with special attention paid to those First Nations whose territories are most affected by high density residential cities and communities (and thus where the majority of REFBC revenue is generated from).
14	Establish permanent Indigenous Grants Stream (currently a pilot project), allocate an amount agreed upon by the Indigenous Community Leaders Circle, and informed by broader engagement and input on this action plan.
15	Provide an annual report focussed solely on UNDRIP outcomes as a permanent accountability and transparency mechanism, in addition to other reporting and communications. Conduct consistent annual outreach to Indigenous communities, nations, organizations, and provincial leadership entities.
16	Develop permanent REFBC policies, informed by leading standards endorsed by Indigenous peoples and broad engagement, that address <i>Free, Prior and Informed Consent</i> in relation to land and water-based projects. Conduct appropriate outreach to inform policy implementation.
GRANTS — DEEPLY TRANSFORMATIVE	
17	Develop and apply tools, policies, and granting criteria on how settler organizations can best uphold UNDRIP and thereby ensure the weight of UNDRIP advancement is not only the responsibility of Indigenous peoples. Ensure appropriate resources are provided for effective outreach and engagement to raise awareness and increase uptake.



18	In light of the connection between the source of REFBC revenue and redress, affirm with First Nations' total permanent targets for percentage of grants total numbers and granting amount that is eligible for First Nations with territories in the REFBC service area (BC), with special attention paid to those First Nations whose territories are most densely populated and represent the largest contributions to REFBC revenue.
GRANTS — LEGISLATIVE CHANGE REQUIRED	
19	Depending on the nature and scope of Deeply Transformative Action #17, legislative change may be required to ensure permanence of commitments to total percentage of grants going to First Nations land and water-based projects. Reform to the <i>Real Estate Services Act</i> may fall under the purview of the <i>Declaration on the Rights of Indigenous Peoples Act</i> process .
GOVERNANCE — EARLY ACTION/IN PROGRESS	
20	Prioritize through Board position postings, recruitment, and retention efforts led by the Chief Executive Officer individuals who are Indigenous and have connection to First Nations within the REFBC service area, and have experience in land-based work. Currently three of the seven Board members are Indigenous peoples, appointed by the Minister of Finance, the Union of BC Municipalities, and the BC Real Estate Association.
21	Offer and implement various training sessions with Board of Governors on cultural safety, decolonizing practices, anti-racism, and UNDRIP to ensure Indigenous Board members are supported with appropriate knowledge base and awareness amongst their Board peers.
22	In addition to prioritizing Indigenous candidates for the Board of Governor positions, invite and support Indigenous advisors, contractors, and other collaborators who can provide key insights and guidance to both the Board of Governors and REFBC staff on all aspects of REFBC operations including granting, special projects and research, investments, and special events such as the Land Awards.
23	Continue actioning direction from the Healthy Watersheds Initiative Indigenous Leaders Advisory Circle and the Indigenous Grants Stream Community Leaders Circle on funding criteria and approaches, ensuring two-way communication with the Board of Governors in a collaborative and mutually supportive manner.
24	Extend invitation to First Nations organizations and governments to engage in dialogue on REFBC governance, including potential for First Nations' appointing bodies for Board positions.
25	Recognition of and respect for the Musqueam, Squamish and Tsleil-Waututh Nations territories on which the REFBC office resides, and provide official support for the City of Vancouver UNDRIP Strategy, and encourage other similar philanthropic funders and grantees to do similarly.

GOVERNANCE — LONGER-TERM CHANGE	
26	Finalize and affirm REFBC governance structure that ensures First Nations' involvement in decision-making on granting, investments, special projects and research, communications, and other areas of responsibility and activity.
27	Further to #25, explore and where called for in First Nations' engagement, reconfigure REFBC governance and decision-making processes to better reflect First Nations' diversity of systems of governance, cultural protocols and practices.
GOVERNANCE — DEEPLY TRANSFORMATIVE	
28	Explore with First Nations' partners various governance models and select most desirable and appropriate to uphold UNDRIP in the administration of land-based funding.
GOVERNANCE — LEGISLATIVE CHANGE REQUIRED	
29	Where and if dialogue and engagement with First Nations' yields a governance model that requires legislative change, advance the legislative change in accordance with processes associated with the <i>Declaration on the Rights of Indigenous Peoples Act</i> .
ORGANIZATION OPERATIONS — EARLY ACTION/IN PROGRESS	
30	The UNDRIP Fellow has completed three customized learning sessions with all REFBC staff on UNDRIP and its applicability to REFBC function and operation. Materials prepared for these learning sessions are available for any new staff in their on-boarding process. Additional learning sessions may be developed as needed to explore in greater depth previously identified themes, or to present more current and up-to-date knowledge on UNDRIP and its implementation as it arises.
31	REFBC staff have also completed Decolonizing Practices training with Nahanee Creative, a Sḵw̱x̱wú7mesh Úxwumixw (Squamish Nation) a social change consulting firm based in Squamish homelands. Continued on-going collaboration, partnership, and training will be on-going based on interest and availability of Nahanee Creative, or other individuals or companies from the Squamish, Musqueam and Tsleil-Waututh nations on whose territories REFBC office resides.
32	Previously, REFBC staff participated in the Circle on Philanthropy and Aboriginal Peoples Partners in Reciprocity program, and will continue to participate in training provided by the Circle as it informs the transformation of philanthropy and relationships with Indigenous peoples.
33	Alongside the Board of Governors, offer and implement various training sessions on cultural safety and anti-racism to ensure Indigenous Board members, staff and contractors are supported with appropriate knowledge base and awareness amongst their REFBC peers.
34	Review and make any needed changes to the REFBC Employee Handbook to reflect commitments and objectives in this action plan, and address on-going training requirements as it relates to human resource policy.
35	Review and make any needed changes to the REFBC performance evaluation processes (including for CEO), criteria, and personnel involved to reflect this action plan and commitments to UNDRIP.



36	Continue to share, profile and celebrate stories of Indigenous-led land-based work supported by the foundation, and in partnership with the nations and led by REFBC Communications. Include direct sharing with REFBC Board through site visits, and presentations at Board meetings.
37	Strengthen and improve process for REFBC staff and board site visits (grantee projects) in First Nations' territories to ensure respectful permission protocols are followed, and inclusion in site visits where agreed to by the nation. Focus site visits on opportunity, where previous existing relationships do not exist, to build relationships between REFBC leadership and leadership or other designates of the hosting nation.
38	Share stories, lessons, and learnings from the REFBC UNDRIP Fellowship with other funders and encourage similar approaches be taken amongst the philanthropic funding community. Efforts to date include panel and other presentations by the UNDRIP Fellow and senior REFBC staff at conferences, webinars, direct communications with individual funders, and collaborative pooling of funds for common cause (e.g. Trust-Based Philanthropy Group, Low Carbon Funders, BC Freshwater Legacy Initiative, Pacific Salmon Funders).
39	Continue to profile Indigenous leadership and excellence in land and water stewardship at the REFBC Land Awards, including as potential award nominees, judging committees, keynote speakers, performers, and procurement opportunities (e.g. catering, gifts for award winners etc).
40	Complete UNDRIP Self-Evaluation with all REFBC Staff and Board members, drawn from the Healthy Watersheds Initiative similar self-evaluation and based off of the International Funders for Indigenous Peoples Toolkit, and led by the UNDRIP Fellow. Utilize findings for continuous improvement, learning, and adaptive change in the advancement of UNDRIP at REFBC.
41	Assess REFBC investment strategies, portfolio management, and criteria with an UNDRIP lens. Identify and remedy potential conflicts, for example in portfolio management and investment in fossil fuel industries and projects which violate Indigenous rights.
42	Promote best practices among investment managers and investee companies with respect to Indigenous rights, reconciliation, justice, equity, diversity and inclusion in all its forms.
43	Work with investment organizations, who advocate on behalf of REFBC, to advance UNDRIP and work on other identified issues by directly engaging with specific companies.
44	Maintain and increase funds invested in Indigenous-led enterprises and Indigenous funds. Highlight Indigenous-led enterprises through communication channels and networks.
45	Incorporate UNDRIP questions into Impact Investment Due Diligence review process.
46	Strengthen partnerships with Indigenous-led organizations that build host capacity to access, share, and evaluate impacts of philanthropic support and relationships. For example, support for the development of the Circle on Philanthropy Feast House.
ORGANIZATION OPERATIONS — LONGER-TERM CHANGE	
47	Develop system to track range and number of decisions made that include Indigenous decision-makers or voices at REFBC. Shift from narrower metric of number of Indigenous staff and Board members, to transparency and accountability on day-to-day and strategic decision-making that includes and upholds Indigenous decision-makers or advisors.

48	Make UNDRIP Fellow permanent role with REFBC. Invite Indigenous leaders, experts, and partners to assume role on temporary and rotating basis (every 3 years) to ensure representation from multiple diverse First Nations across REFBC service area. Modify role as requested by subsequent UNDRIP Fellows.
49	Develop investment strategy that address key findings from the assessment described in Transformative Action #36 above, include Indigenous advisors, Board members and partners/grantees where needed to finalize.
ORGANIZATION OPERATIONS — DEEPLY TRANSFORMATIVE	
50	Based on outcomes of Governance Longer-Term Change actions identified above, potentially restructure REFBC operations to suit renewed governance model, where informed and identified by dialogue and partnership with First Nations.



Appendix 2: Timelines for Development & Implementation of Transformative Actions

Activity	Timeline	People Involved
UNDRIP Fellowship Established	July 2022 for 3 Years (July 2025)	Tara Marsden/Naxginkw, Hlimoo Sustainable Solutions Mark Gifford, CEO REFBC
Learnings from Healthy Watersheds Initiative UNDRIP Evaluation Framework	January 2021-February 2023	All Healthy Watersheds Initiative Staff Indigenous Leaders Advisory Circle Tara Marsden/Naxginkw HWI projects staff BC Ministry of Environment senior staff and Minister
UNDRIP research to inform Learning Sessions, TAUA, Board presentations	Fall 2022	Tara Marsden/Naxginkw
REFBC Staff Learning Sessions on UNDRIP (3)	Fall-Winter 2022	Tara Marsden/Naxginkw REFBC staff
Align Updated REFBC Interest Areas for Granting with REFBC	Fall-Winter 2022	Tara Marsden/Naxginkw Sherry Yano, Director of Grants & Community Engagement Andrea Reimer, Tawaw Strategies
UNDRIP Fellow Presents to REFBC Board — UNDRIP 101 & Fellowship Overview	December 2023	Tara Marsden/Naxginkw REFBC Board
Incorporating UNDRIP Questions into General Grants application, reporting	Winter — Spring 2023	Tara Marsden/Naxginkw Sherry Yano, Director of Grants & Community Engagement
Letter to BC First Nations Leadership Council inviting dialogue and relationship building (UNDRIP Fellowship, Governance, Indigenous Grants Stream launch, HWI update)	December 2023	Tara Marsden/Naxginkw Mark Gifford, CEO

Communications, outreach, presentations to Indigenous peoples, other funders, grantee community	July 2022-June 2023	Stephen Hui, Communications Manager Tara Marsden/Naxginkw Sherry Yano, Director of Grants & Community Engagement Leanne Sexsmith, Director Strategic Programs and Partnerships
UNDRIP Fellow Presents to REFBC Board — TAUA Concept & Outline	March 2023	Tara Marsden/Naxginkw REFBC Board
REFBC hosts “UNDRIP & You” Webinar , 800+ registrants	April 2023	Tara Marsden/Naxginkw Michelle Bryant-Gravelle, City of Vancouver, Senior Director Indigenous Relations Nadine Raynolds, Manager, Communities & Conservation, Yellowstone to Yukon Conservation Initiative Stephen Hui, Communications Manager Sherry Yano, Director of Grants & Community Engagement
UNDRIP Fellow Presents TAUA Concept & Outline to Indigenous Grants Stream Indigenous Community Leaders	April 2023	Tara Marsden/Naxginkw Indigenous Leaders Circle, Indigenous Grants Stream Sherry Yano, Director of Grants & Community Engagement
UNDRIP Fellow Presents TAUA 1 st Draft to REFBC Senior Staff, Board	June 2023	Tara Marsden/Naxginkw Mark Gifford, CEO Sherry Yano, Director of Grants & Community Engagement Leanne Sexsmith, Director Strategic Programs and Partnerships REFBC Board



Appendix 3: About the Author

Tara Marsden/Naxginkw

Tara is from the Lax Ganeda (Frog) Clan of Gitanyow Huwilp of the Gitksan peoples. For more than two decades, Tara has been dedicated to advancing sustainable development and operationalizing free, prior and informed consent for Indigenous peoples. Drawing on her Master's degree in Political Science and her upbringing in Gitksan Ayookxw (laws), Tara has worked for a number of First Nations governments, academia, the provincial government, philanthropic organizations, and most recently for her own nation Gitanyow as Wilp Sustainability Director. In 2021, Tara established [Hlimoo Sustainable Solutions](#) to continue her life's work as an independent consultant in her homelands of the Gitksan people.

Hlimoo Sustainable Solutions

[h-lim-awhh] “to help” in Simalgyax language, Gitksan dialect

Mission Statement

Founded in 2021, Hlimoo Sustainable Solutions provides critical services in the operationalization of Free, Prior, and Informed Consent for Indigenous Peoples in the sustainable development of their lands and resources.

Working with First Nations/Indigenous Peoples, government, philanthropic organizations, NGOs, industry, and academia, Hlimoo serves a multitude of needs with virtue, integrity, and neutrality.



PHOTO: RYAN DICKIE

Appendix 4: References

A Funder's Toolkit: Implementation of the United Nations Declaration on the Rights of Indigenous Peoples. International Funders for Indigenous Peoples. 2014.

https://internationalfunders.org/wp-content/uploads/2015/01/UNDRIP-Toolkit-Framework_2014.pdf

B.C. First Nations & Indigenous Peoples. Province of British Columbia. 2023.

<https://www.welcomebc.ca/Choose-B-C/Explore-British-Columbia/B-C-First-Nations-Indigenous-People>

City of Vancouver UNDRIP Strategy. City of Vancouver. 2022.

<https://vancouver.ca/news-calendar/council-approves-groundbreaking-undrip-strategy-for-vancouver.aspx>

Declaration on the Rights of Indigenous Peoples Act. Province of British Columbia. 2019.

<https://www2.gov.bc.ca/gov/content/governments/indigenous-people/new-relationship/united-nations-declaration-on-the-rights-of-indigenous-peoples>

Declaration Act Action Plan. Province of British Columbia. 2022. <https://www2.gov.bc.ca/gov/content/governments/indigenous-people/new-relationship/united-nations-declaration-on-the-rights-of-indigenous-peoples/implementation>

Factsheet. The Real Estate Foundation of BC. 2023.

https://refbc.ca/wp-content/uploads/2023/03/REFBC_FactSheet_Interactive_v1.3.pdf

First Nations A-Z Listing. Province of British Columbia. 2023.

<https://www2.gov.bc.ca/gov/content/environment/natural-resource-stewardship/consulting-with-first-nations/first-nations-negotiations/first-nations-a-z-listing>

Healthy Watersheds UNDRIP Evaluation Report. Tara Marsden/Naxginkw. June 2022.

<https://healthywatersheds.ca/wp-content/uploads/2022/06/UNDRIP-Evaluation.pdf>

Indian Act. Government of Canada. 1985.

<https://laws-lois.justice.gc.ca/eng/acts/i-5/>

Real Estate Services Act. Province of British Columbia. 2004 (& 2023).

https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/04042_01

Strategic Plan. The Real Estate Foundation of BC. 2022.

<https://refbc.ca/wp-content/uploads/2022/07/REFBC-Strategic-Plan-2022-2025.pdf>

Study of the Problem of Discrimination Against Indigenous Populations. Mr. Jose Martinez. 1981.

<https://www.un.org/development/desa/indigenouspeoples/publications/martinez-cobo-study.html>

The Philanthropic Community's Declaration of Action. Circle on Philanthropy and Aboriginal Peoples. (no date)

<https://www.the-circle.ca/the-declaration.html#:~:text=The%20Declaration%20is%20a%20call,the%20shared%20goal%20of%20reconciliation.>

United Nations Declaration on the Rights of Indigenous Peoples. United Nations General Assembly. 2007.

https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

United Nations Declaration on the Rights of Indigenous Peoples. With additional sections added by Coalition for the Human Rights of Indigenous Peoples. (no date).

<https://www.declarationcoalition.com/purchase-copies-of-the-un-declaration-pocket-booklets/>

United Nations Declaration on the Rights of Indigenous Peoples Act. Government of Canada. 2021.

<https://laws-lois.justice.gc.ca/eng/acts/U-2.2/FullText.html>

Appendix 5: List of Acronyms & Commonly Used Terms

FPIC — Free, Prior and Informed Consent

HWI — Healthy Watersheds Initiative

REFBC — The Real Estate Foundation of British Columbia

TAUA — Transformative Actions for UNDRIP Advancement (this document)

UNDRIP — The United Nations Declaration on the Rights of Indigenous Peoples

Fellowship/Fellow — For the purposes of the REFBC Fellowship, refers to a member who is specially selected in recognition of their work and achievements, enlisted for a short-medium term position focused on professional development.

First Nations — The 204 First Nations who inhabit and maintain title to lands in BC, listed [here](#).

Indigenous — Peoples inhabiting or existing in a land from the earliest times (time immemorial) or from before the arrival of colonists. In Canada, Indigenous includes First Nations, Metis and Inuit. In BC, First Nations are those Indigenous peoples who hold land title, territorial rights, and traditional governance over lands throughout the province. Indigenous populations in BC include members of other First Nations from elsewhere (who have land/territory in other places), as well as Metis and Inuit peoples.

Land Back — Commonly referred to as a movement, a political framework or a call to action. Land Back is embodied in different ways by many Indigenous peoples across Turtle Island (the Americas) and other places globally. It has been [described](#) as the process of reclaiming lands by Indigenous peoples who have been dispossessed of such lands. There are numerous examples of municipal, provincial, and federal governments, as well as private land owners working to support Land Back, through funding for purchase of private property, legal agreements, and gifting of private lands to trusts or other mechanisms identified by Indigenous peoples. There is no one universal definition of Land Back, but a range of concepts, actions, and ideas across many Indigenous peoples.

Settler — A person who moves with a group of others to live in a new country or area. For the purposes of this document, people, organizations, and governments who are not a part of a First Nation in BC. Those who have immigrated to BC/Canada from elsewhere, and rely upon the Canadian state to acquire citizenship and the privileges associated with it.



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The Real Estate Foundation of BC (REFBC) is a philanthropic organization working to advance sustainable, equitable, and socially just land use and real estate practices across BC. We fund projects, connect people, and share knowledge.

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