



Prince George Office



1004 Landooz Road,
Prince George, BC
V2K 5S3



Tel: (250) 962-1603
Fax: (250) 962-9552
Toll Free: 1-877-621-1603

Vancouver Office



Suite 1020-1200 W. 73rd Ave
Vancouver, BC
V6P 6G5



Tel: (778) 945-9911
Fax: (778) 945-9916
Toll Free: 1-833-381-7622

BRIEFING NOTE

TO: First Nations in BC
FROM: BCAFN Climate Emergency Portfolio
DATE: May 2023
RE: **Co-developing a First Nations Climate Leadership Agenda in BC**

PURPOSE

To inform First Nations in BC about the process to co-develop a *First Nations Climate Leadership Agenda* (the “FNCL Agenda”) in Canada and BC as part of the federal *Indigenous Climate Leadership Agenda (ICLA)*.

RECOMMENDATIONS

First Nations in BC actively engage in the co-drafting of the First Nations Climate Leadership Agenda. The FNCL Agenda will establish a roadmap consisting of recommendations, policy directions and concrete deliverables to ensure that federal climate change-related policy and legislation:

- is respectful and supportive of First Nations’ exercise of self-determination and constitutionally protected rights;
- empowers First Nations’ meaningful involvement in national climate governance; and,
- ensures appropriate federal support for First Nations, consistent with Canada’s fiduciary obligations.

BACKGROUND

- In 2017, AFN Chiefs-in-Assembly (Resolution 22/2017) supported the establishment of a [Joint Committee on Climate Action \(JCCA\)](#) to act as a bilateral table between the Government of Canada and the AFN to provide them with technical advice on real and meaningful approaches to support sustained engagement between Canada and First Nations-right holders on issues related to climate change based on the inclusion of Indigenous Knowledge Systems and the standard of free, prior, and informed consent (FPIC). The JCCA is not a consultation body.
- The BCAFN Regional Climate Change Coordinator is the BC technical representative to the JCCA.
- After many years of deliberations on the need and urgency of creating a pathway with First Nations to address core barriers to First Nations climate action and leadership, the JCCA discussed the development of an FNCL Agenda. The JCCA developed a proposal for a Governance Model for the FNCL Agenda development, which outlines a series of guiding principles (including adherence to the UN Declaration and direct engagement with Title and Right – holders) and incorporates leadership oversight (including the National Chief and relevant federal Ministers), a Steering Committee, and clear accountability to First Nations Title and Right-holders, communities and governments. The outcome of this process was proposed to result in recommendations to federal and First Nations leadership (the draft Governance Model is presented in Appendix 2).
- Based on this work by the JCCA, the Government of Canada committed to co-developing an ICLA in the [Strengthened Climate Plan](#), the [Emission Reduction Plan](#), and [Budget 2022](#). The ICLA will include distinctions-





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based agendas that build regional and national capacity and progressively vests authorities and resources for climate action in the hands of First Nations, Inuit, and Métis peoples and representative organizations. The **expected outcomes from the ICLA** are organized into three main areas: **1) transfer of federal funding, 2) collaborative decision-making on climate, and 3) support for climate leadership**. Overall, the agenda intends to provide a roadmap to address barriers to exercising First Nations' self-determination in the climate space.

- E. Over the next two years, Environment and Climate Change Canada (ECCC) and Crown-Indigenous and Northern Affairs Canada (CIRNAC) will work closely with First Nations at the national, regional and local levels to co-develop the FNCL Agenda. The JCCA will support the development process.
- F. In 2019, the **First Nations Leadership Council (FNLC)** was mandated to develop a [First Nations Climate Strategy and Action Plan \(the BC FN Climate Strategy\)](#). The BC FN Climate Strategy was developed over three years and endorsed in early 2022 in the FNLC Chiefs-in-Assembly (Resolutions: BCAFN - 6/2022, UBCIC #2022-04 and FNS #0222.06.) The BC FN Climate Strategy presents a vision, guiding principles, and priorities for climate action articulated by leadership and community members from across the province.
- G. On March 2023, at the BCAFN assembly, Chiefs-in-Assembly passed Resolution No. 03/2023 (Appendix 1) and mandated the BCAFN to collaboratively facilitate the co-development of the FNCL Agenda in BC with Title and Rights-holders and First Nations organizations across the province and to ensure that First Nations' recommendations and policy directions outlined in the BC FNCL Agenda are fully considered in the Canada-wide FNCL. The BC FNCL Agenda must use the BC FN Climate Strategy as a foundation to guide the co-development process.

ANALYSIS

- H. Discussion and work between Canada and First Nations representative organizations at the JCCA and its outcomes have helped to lay a foundation for the FNCL Agenda. First Nations in Canada face many challenges when accessing federal climate funding, including:
 - Systemic inequities,
 - Insufficient funding and short-term funding cycles,
 - The burdensome and restrictive application process combined with terms and conditions for competitive programs limit First Nations' access to funding.
 - Lack of First Nations involvement in decision-making results.
 - Limited capacity
 - Uncoordinated, siloed federal system, etc.
- I. The FNCL Agenda intends to **provide a roadmap** consisting of recommendations, policy directions and concrete deliverables to ensure that federal climate policy and legislation:
 - i. **is respectful and supportive** of First Nations' exercise of **self-determination and constitutionally protected rights**;
 - ii. **empowers First Nations' meaningful involvement in national climate governance**; and,
 - iii. **ensures appropriate federal support for First Nations**, consistent with Canada's fiduciary obligations.

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- J. While national in scope, the FNCL Agenda and its proposed solutions will accommodate place-based approaches, be driven by community-level objectives, and support the creation of a framework of collaboration that accounts for regional, social, cultural, and spiritual differences.
- K. **To guarantee accountability to federal and First Nations leadership** on the development process and implementation of the FNCL Agenda, the JCCA **proposed a Governance Model to ensure political oversight of the technical discussions while explicitly recognizing the need to be directly informed by, and responsive to the priorities, rights, and knowledges held by First Nation Title and Rights-holders.** The proposed Governance Model includes a *Leadership oversight* comprised of the Minister of Environment and Climate Change and the Minister of Crown-Indigenous Relations from the federal side, and AFN, the National Chief. More information about the Governance Model is presented in Appendix 2 as part of the draft FNCL Agenda Governance Framework
- L. A Canada-wide **Steering Committee** will compile regional recommendations and prepare the draft FNCL Agenda's content. It will also provide strategic direction and validate recommendations and outcomes with First Nations leadership and the JCCA. The Steering Committee comprises national and regional First Nations members of the JCCA, ECCC and CIRNAC officials. It is also open to First Nations leadership and representatives who would like to participate in the co-developing process of the FNCL Agenda.
- M. The **co-development process's output, which will oscillate between national and regional conversations, will consist of joint recommendations to federal and First Nations leadership** (i.e. Ministers and Chiefs). **These recommendations will be returned to the Chiefs-in-Assembly for review and relevant mandates.**
- N. CIRNAC and ECCC will return to the federal cabinet with recommendations in Fall 2024/Winter 2025 on implementing the ICLA.

The recommendations must:

- Re distinction-based;
- BE co-developed;
- Be costed;
- Be able to be implemented progressively, and
- Include options

These recommendations could include the following:

- New policy, fiscal, etc. authorities;
- Whole of government approaches (i.e. address all federal departments);
- Regional approaches;
- Other variations in approach (e.g. modern treaty and self-governing First Nations governments), etc

- O. In addition to work at the regional level and meetings of the Steering Committee, the co-development of the FNCL Agenda includes three national-level meetings of regional leads to support the co-development process in the regions (at the beginning, middle and end of the process).

First Nations Climate Leadership Agenda in BC

- P. In British Columbia, the **co-development of the FNCL Agenda is not meant to repeat the development of the BC FN Climate Strategy or its implementation.** Instead, the FNCL Agenda should complement the FNLC's work to implement the strategy's pathways and actions, as mandated by Chiefs-in-Assembly in 2022.
- Q. **In BC, the FNCL Agenda should identify and provide priority actions and recommendations to build a better system for climate response partnership between First Nations in BC and Canada, where First**



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Nations exercise their self-determination and inherent rights and have a meaningful and clear role in federal policy, decision-making and governance as outlined in the UN Declaration.

R. **The FNCL Agenda also intends to identify changes to ensure First Nations access long-term funding support to build climate capacity and develop their own self-determined climate responses.** With the BC FN Climate Strategy as a starting point, the FNCL Agenda development process would facilitate a space within First Nations to discuss and co-draft recommendations which may be related to:

- Prioritize First Nations' interests in climate action to inform Canada's policy and funding allocation.
- Identify solutions to barriers and leverage opportunities to access federal climate funding.
- Define mechanisms to ensure First Nations' meaningful participation in the federal climate decision-making processes and policy development grounded in recognizing First Nations' right to self-determination and sovereignty and the common need to build genuine relationships with Canada for climate action and reconciliation.
- Define a long-term path forward to strengthen First Nations climate leadership in BC as outlined in the vision statement presented in the BC FN Climate Strategy.
- Strengthen the BC FN Climate Strategy by validating the priority objectives and actions to support the Strategy's implementation.
- Other priorities defined by First Nations right-holders and organizations.

S. **Co-developing the FNCL Agenda in British Columbia requires meaningful participation of First Nations Title and Rights-holders and First Nations organizations.** To ensure the FNCL Agenda will be developed in a good way, BCAFN would facilitate the establishment of a **Steering Committee in BC to provide direction and guide the co-development process based on guiding principles** which are presented in Appendix 3. Furthermore, to support good quality engagement, BCAFN would prepare *co-development approach criteria* with First Nations, including First Nations experts and knowledge holders, to guide engagement activities. Using these criteria and innovative methodologies and tools, BCAFN would engage First Nations governments, First Nations organizations and community members, including youth, women, 2SLGBTQQIA+ and particularly Elders. Engagement activities may include but are not limited to hosting:

- Elders gatherings (in-person);
- Regional sessions across BC (in-person);
- Virtual gatherings;
- Thematic focus groups,
- Interviews,
- Providing funding support to interested First Nations to review the draft recommendations;
- Other identified by First Nations governments/communities/organizations

BCAFN will present a progress update on developing the FNCL Agenda to Chiefs-in-Assembly in early 2024 and a final draft in early 2025.

T. It is essential that the **co-developing process** of the FNLC Agenda in BC is **connected to other current climate regional processes to leverage efforts and avoid engagement fatigue.**



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- U. All the elements of the **FNLC Agenda in BC will be informed by communities' on-the-ground experience of climate change, their daily realities and their priorities**. All aspects of the agenda will be explicit in how they contribute to meaningful improvements for communities.
- V. In addition, the **co-development process will be transparent and inclusive**, with federal officials maintaining open lines of communication with Title and Rights-holders on the ground. BCAFN will facilitate communication and engagement on the ground.

Next Steps

- Facilitate the establishment of the BC FNCL Agenda Steering Committee.
- Inform all First Nations about the co-development process of the BC FNCL Agenda.
- Seeking

APPENDIX 1: BCAFN Resolution



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BC ASSEMBLY OF FIRST NATIONS

1004 Landooz Road
Prince George, BC V2K 5S3
Website: www.bcafn.ca

BCAFN SPECIAL CHIEFS ASSEMBLY
March 9-10, 2023
Hybrid - In person & online via Zoom

Resolution 03/2023

SUBJECT: FACILITATING THE CO-DEVELOPMENT OF A FIRST NATIONS CLIMATE LEADERSHIP AGENDA IN BC

MOVED BY: CHIEF LEE SPAHAN, COLDWATER INDIAN BAND

SECONDED BY: CHERYL CASIMER, PROXY, LOWER NICOLA INDIAN BAND

DECISION: CARRIED

WHEREAS:

- A. The climate and biodiversity crises are threatening the security and way of life of First Nations across Canada through the escalating impacts of climate-exacerbated disasters and the threats to the well-being of First Nations traditional territories that supports all life;
- B. It is paramount to take urgent and transformative climate action at multiple scales, while ensuring the inclusion and full participation of First Nations' governance, inherent rights, laws, and priorities;
- C. First Nations in BC are leaders in climate response and must have a leadership role in any climate discussion, based on First Nations' inherent and constitutionally protected Title, Rights and Treaty Rights. However, too often, governments' climate decisions, plans and investments are developed and implemented without the meaningful participation of First Nations. Furthermore, First Nations governments are underfunded and understaffed to fulfil their roles and responsibilities to care and manage their territories in ways that

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reflect First Nations worldviews and values;

- D. The United Nations Declaration on the Rights of Indigenous Peoples (the UN Declaration), which the government of Canada has adopted without qualification, and has, alongside the government of BC, committed to implementing through legislation, affirms:

Article 8: (1) Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture; **(2)** States shall provide effective mechanisms for prevention of, and redress for: (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities; (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources; (d) Any form of forced assimilation or integration;

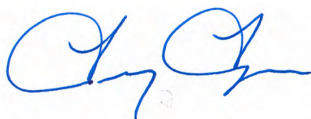
Article 18: Indigenous peoples have the right to participate in decision-making in matters which affect their rights through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions;

Article 19: 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; and

Article 32: (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 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;

- E. By AFN Resolution 22/2017, Chiefs-in-Assembly supported the establishment of the Joint Committee on Climate Action (JCCA) between AFN and the Government of Canada to act as a technical table to ensure First Nations' full and meaningful inclusion within the Pan-Canadian Framework on Clean Growth and Climate Change and other related priorities identified by First Nations based on their inherent Title, Rights, Treaties and other formal arrangements. Regional First Nations. The JCCA does not replace or alleviate the Crown of

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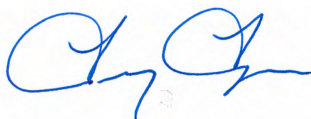


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its duty to consult First Nations at a local, regional and national level on issues related to climate change;

- F. Throughout 2020 and 2022, the JCCA discussed the development of a First Nations Climate Leadership Agenda (the FNCL Agenda);
- G. Based on this work by the JCCA, Government of Canada committed to co-developing an Indigenous Climate Leadership Agenda (ICLA) in the Strengthened Climate Plan and Budget 2022. The ICLA will include distinctions-based agendas (the FNLC Agenda for First Nations), that build regional and national capacity and progressively vests authorities and resources for climate action in the hands of First Nations, Inuit, and Métis peoples and representative organizations;
- H. The expected outcomes from the FNLC Agenda will be organized into three main areas: *1) transfer of federal funding, 2) collaborative decision-making on climate, and 3) support for climate leadership*. Overall, the FNLC Agenda intends to provide a roadmap to: a) address barriers to exercising First Nations' self-determination and constitutionally protected rights in climate action; b) empowers First Nations' meaningful involvement in national climate governance; and c) ensures appropriate federal support for First Nations, consistent with Canada's fiduciary obligations;
- I. Over the next three years, Environment and Climate Change Canada (ECCC) and Crown-Indigenous and Northern Affairs Canada (CIRNAC) will work closely with First Nations at the national, regional and local level to co-develop the FNCL Agenda. The JCCA will support the development process;
- J. By Resolution 04/2019, the BCAFN Chiefs-in-Assembly directed BCAFN to work with the First Nations Leadership Council to prepare a First Nations Climate Strategy and Action Plan (BC FN Climate Strategy). By Resolution 06/2022, the BCAFN Chiefs-in-Assembly fully endorsed the BC FN Climate Strategy and directed the BCAFN and the FNLC to work toward implementation;
- K. The BCAFN Chiefs-in-Assembly has passed various resolutions supporting First Nations involvement in climate actions such as Resolution 05/2021: Supporting First Nations Community-Based Climate Leadership; Resolution 31/2016: Climate Change-Adaptative Planning, and Resolution 30/2016: Respect and Recognition of Indigenous Rights in Canada's Climate Change Planning, which call on the Government of Canada to establish a "National Indigenous Climate Action Plan" in cooperation with First Nations;

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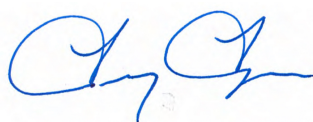


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THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly direct the Regional Chief and BCAFN staff to collaboratively facilitate the co-development of the First Nations Climate Leadership Agenda (FNCL Agenda) in BC with Title and Rights-holders and First Nations organizations across the province. The BC FNCL Agenda must reflect and respond to our own realities, needs, priorities and interests, and provide a roadmap consisting of recommendations and policy directions to ensure that federal climate policy and legislation:
 - i. is respectful and supportive of First Nations' exercise of self-determination and constitutionally protected Title , Rights and Treaty Rights;
 - ii. empowers First Nations' meaningful involvement in national climate governance; and,
 - iii. ensures appropriate federal support for First Nations, consistent with Canada's fiduciary obligations;
2. The BCAFN Chiefs-in-Assembly remind the Government of Canada that successfully transforming federal climate policy must start with explicit respect for Aboriginal Title, Rights and Treaty Rights, and the implementation of the United Nations Declaration on the Rights of Indigenous Peoples and the Truth and Reconciliation Commission's Calls to Action;
3. The BCAFN Chiefs-in-Assembly mandate the Regional Chief and BCAFN staff to ensure that our recommendations and policy directions outlined in the BC FNCL Agenda or identified during the BC FNCL Agenda development are fully considered in the Canada-wide FNCL Agenda development; and
4. The BCAFN Chiefs-in-Assembly mandate the Regional Chief and the BCAFN staff to use the BC First Nations Climate Strategy and Action Plan as a foundation to guide the FNCL Agenda co-development process in BC and to use the FNCL Agenda co-development process to strengthen the BC First Nation Climate Strategy and Action Plan implementation.

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**Appendix 2: First Nations Climate Leadership Agenda. Draft
Governance Framework**

First Nations Climate Leadership Agenda

Draft Governance Framework

What is this document?

In November 2020, Canada's *A Healthy Environment and a Healthy Economy* plan confirmed the government would “partner with First Nations [...] to set an agenda for climate action and a framework for collaboration”, which is intended to position Indigenous climate leadership as a cornerstone of Canada's strengthened climate plan.

In June 2021, First Nations-Canada Joint Committee on Climate Action (JCCA) members met to discuss the co-development of the First Nations Climate Leadership Agenda. While highlighting the importance of this initiative, members noted limitations pertaining to the involvement of rights-holders, accountability to federal and First Nation leaderships, and identified other barriers that could prevent the successful co-development of the agenda.

The 2030 Emissions Reduction Plan and Budget 2022 announced new investments to support Indigenous Climate Leadership. This includes \$29.6 million over three years, starting in 2022-23, to support the co-development of an Indigenous Climate Leadership Agenda to support self-determined action in addressing Indigenous peoples' climate priorities. The funding will also support the phased implementation of distinctions-based climate strategies.

Over the next three years, Environment and Climate Change Canada (ECCC) and Crown-Indigenous and Northern Affairs Canada (CIRNAC) will work closely with First Nations at the national, regional, and local level to co-develop the First Nations element of this Agenda: a First Nations Climate Leadership Strategy.

This document seeks to outline a jointly developed governance model to support this work that is conducive to success. It is the first step in the co-development process.

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1. Objectives, scope, and relationship to other initiatives

1.1 Objectives

To create a governance framework supporting the co-development of an agenda for climate action and a framework for collaboration, hereafter referred to as the First Nations Climate Leadership Agenda (FNCL Agenda).

The FNCL Agenda will provide a roadmap, consisting of recommendations, policy directions and concrete deliverables, to ensure that federal climate policy:

- Is respectful and supportive of First Nations' exercise of self-determination and constitutionally protected rights;¹
- Empowers First Nations' meaningful involvement in national climate governance; and,²
- Ensures appropriate federal support for First Nations, consistent with Canada's fiduciary obligations to First Nations.³

As a results-oriented and evolving collaboration framework, the FNCL Agenda will also inform the implementation of Canada's statutory requirements to engage with First Nations under the *Canadian Net-Zero Emissions Accountability Act*.

1.2 Scope

The FNCL Agenda is a federal commitment to strengthen the government's partnership with First Nations in relation to climate change through the co-development of national solutions. It is grounded in the recognition that First Nations' successful response to climate change is inseparable from a legal and policy environment that is free of barriers, enabling in nature, and attuned to First Nations' worldviews.

The FNCL Agenda is not meant to replace the development or implementation of climate strategies and actions by and for First Nations, nor is it meant to replace federal climate initiatives established across departments. Rather, the agenda will provide a roadmap to address the root causes of barriers to the exercise of First Nations' self-determination in the climate space.

While national in scope, the roadmap and its proposed solutions will accommodate place-based approaches, be driven by community-level objectives, and support the creation of a framework of collaboration that accounts for regional, social, cultural, and spiritual differences. The FNCL Agenda will evolve in tandem with First Nations' exercise of climate leadership and self-determination, reflecting evolving practices and worldviews.

1.3 Linkages and whole-of-government approach

The co-development of the FNCL Agenda is intended to inform all federal climate measures moving forward, notably the Indigenous Climate Leadership Agenda initiative. Explicit linkages will also be made with flagship federal initiatives throughout its development, including Canada's National Adaptation Strategy; carbon pollution pricing and return of revenues to First Nations in backstop jurisdictions; Emissions Reduction Plans and 2050 5-year GHG-reduction milestones; conversation and protection of biodiversity; and National Infrastructure Assessment, Indigenous Guardians, Indigenous Protected and Conserved Areas, and Addressing the Critical Infrastructure Gap by 2030.

To facilitate a coordinated approach to federal-First Nations engagement, representatives from existing engagement forums or advisory bodies of relevance to the JCCA's work will be invited to

¹ Whereby "self-determination" includes the recognition that First Nations exist outside of federal arrangements and relationships and that federal perspectives and approaches to partnership with First Nations need to be founded on recognition of rights, respect, and co-operation. This means working with First Nations, guided by the *United Nations Declarations on the Rights of Indigenous Peoples*, to open a menu of new institutional arrangements enabling climate solutions by and for First Nations. Arrangements could range from self-government (i.e. legal agreements), to self-administration (i.e. devolution), to continued collaboration with federal departments (i.e. federal programs). This work extends to the removal of barriers to self-determination in relation to climate (i.e. legal, administrative, policy, financial, jurisdictional, etc.). Also, for involvement to be meaningful, the federal government needs to acknowledge and open space for First Nations-led processes, as well as First Nations' participation in federal decision-making.

² Whereby "meaningful involvement" refers to the active contribution of First Nations in policy decisions of national or regional interest (e.g. GHG emission reduction target and measures). Central to these efforts is the recognition of First Nations' knowledge systems and opening up space for First Nations-led processes and decision-making as an essential part of a successful national response to climate change. In practice, this could include new arrangements for shared decision-making, development of new mechanisms for nation-to-nation partnerships, adopting permanent models of engagement, support for the mobilization of First Nations knowledge systems in national dialogues, First Nations-led climate research, etc.

³ Whereby "appropriate" refers to the alignment of federal support (e.g. programs, funding opportunities) with First Nations climate priorities, as expressed at the national, regional or local levels. This also means applying the decision-making guidance, best practices for engagement, program design, and implementation across federal measures, while streamlining how Canada offers support to First Nations.

contribute to the co-development process, and information on the FNCL Agenda will be proactively shared with them on a regular basis.

2. Guiding principles

2.1 United Nations Declaration on the Rights of Indigenous Peoples

First Nations' climate priorities, self-determination and the *United Nations Declaration on the Rights of Indigenous Peoples*, including Free, Prior and Informed Consent, will guide all aspects of the co-development process. This extends to federal obligations stemming from the *United Nations Declaration on the Rights of Indigenous Peoples Act*.

2.2 First Nations Knowledge Systems and Ethical Space

The co-development of the FNCL Agenda will be held in a safe, mutually respectful, shared, and collaborative space known as an Ethical Space. The application of Ethical Space will ensure the goals of the FNCL Agenda are achieved, while honouring distinct First Nations and Western knowledge systems throughout the process. The inclusion of, and active support for First Nations knowledge systems along with Western knowledge systems in the FNCL Agenda will produce outcomes that are conducive to both rights- and title-holders and federal officials. Though very diverse in nature, First Nations knowledge systems are often embedded in place, the land, language, stories, histories, and legal traditions, which will provide essential perspectives in the FNCL Agenda to promote self-determination and First Nations-informed climate action.

2.3 Direct engagement with rights and title-holders

Rights holders, communities and governments are the main beneficiaries of the FNCL Agenda and those primarily concerned by its development and implementation. While improvements to First Nations' wellbeing in relation to climate change are expected to flow indirectly from the development of the FNCL Agenda, the unrestricted participation of rights- and title-holders is understood to be a prerequisite for success.

The JCCA can be a catalyst for engagement with regions, First Nations governments, tribal councils, and right-holders, but the committee does not, in itself, replace direct engagement with rights- and title-holders. Federal officials must deploy additional efforts to interact directly with First Nations and establish lasting relationships, thus implementing a process that is community-led, regionally facilitated, and nationally coordinated.

2.4 Mandate of federal officials

Federal officials must preserve the discretion of Cabinet, the Minister of Finance, and the Prime Minister at all times, and must work within their mandate, policy directions, [code of values and ethics](#), and applicable legislative and regulatory frameworks (e.g. [Financial Management Act](#)). Although this means federal officials will be unable to provide certainty about the outcome of the co-development process, this does not compromise officials' commitment to transparency, accountability, and upholding the principles of an Ethical Space.

2.5 Appropriate timelines

Members will strive to co-develop and implement all elements of the FNCL Agenda by November 2023, while providing flexible timelines that respond to the evolving realities of First Nations. The development will unfold in a staged approach, with priority being given to elements that have the potential of delivering the most meaningful and rapid improvements to First Nations' experience of climate change (e.g. capacity funding). While being deliberate and without compromising the quality of the process, JCCA members understand the importance of rapid and transformative changes.

2.6 Fiscal stewardship

Federal officials will need to consider the fiscal context throughout the co-development of the FNCL Agenda, including in any co-developed funding submissions. In practice, this implies that recommended measures and resource needs must be prioritized and documented, and be as efficient and effective as possible in achieving desired objectives. Equally important is the consideration of historical gaps in funding for First Nations, and the ongoing impacts of colonization on First Nations' prosperity.

2.7 Legacy of colonization and land dispossession

The co-development of the FNCL Agenda will be informed by and will contribute to remedy the legacy of colonization and the resulting socio-economic conditions, historical underfunding of First Nations, and dispossession of First Nation lands. At the same time, participants understand that the

scope of the initiative, and any solutions that may ensue, will be primarily targeted at addressing climate change and its negative impacts on First Nations' wellbeing.

3. Governance model

3.1 Leadership oversight

The immediate output of the co-development process will consist of joint recommendations to federal and First Nations leaderships (i.e. Ministers and Chiefs). Subject to the agreement of leaders, the JCCA will support the implementation and monitoring of their joint decisions.

The AFN, ECCC, and CIRNAC will work with their respective leadership to organize a minimum of one meeting of leaders at the beginning, middle, and end of the co-development process. The Minister of Environment and Climate Change and the Minister of Crown-Indigenous Relations will be the lead representatives of the Government of Canada at these meetings and will act as the sponsoring Ministers of the FNCL Agenda. This does not preclude the participation of other Ministers.

In addition, the JCCA will report on the development and implementation of the FNCL Agenda through its Annual Report to the Prime Minister and the National Chief, and will invite the Prime Minister and the National Chief to discuss the advancement of the agenda at the Permanent Bilateral Mechanism.

3.2 Steering Committee

The Steering Committee will be responsible for developing the FNCL Agenda's content and strategic direction, and validating recommendations and outcomes with the JCCA and appropriate leaderships.

The Steering Committee will be overseen by the co-chairs of the JCCA, and the Senior Assistant Deputy Minister of CIRNAC's Northern Affairs Organization. At their discretion, the Committee will be comprised of national and regional First Nations members of the JCCA, and ECCC and CIRNAC officials. With AFN's approval, ECCC or CIRNAC may invite officials from other departments to contribute to the Steering Committee.

3.3 First Nations – Canada Joint Committee on Climate Action (JCCA)

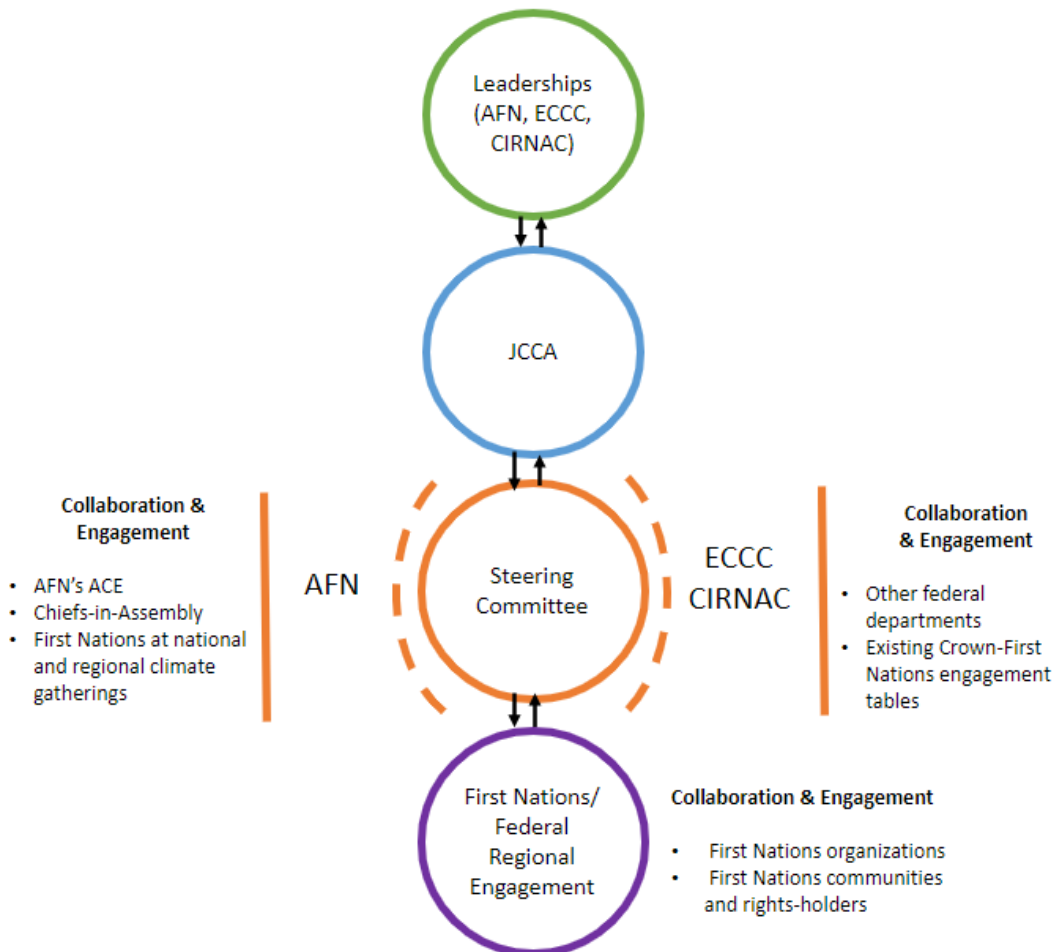
The JCCA will oversee the work of the Steering Committee, including the co-development of the FNCL Agenda, the implementation of solutions, and outcomes for First Nations. In doing so, the JCCA will continue to report to the National Chief and the Prime Minister on an annual basis. The JCCA may invite external participants and observers, including representatives from provincial and territorial governments when appropriate.

3.4 First Nations rights holders, communities and governments

The AFN, ECCC, and CIRNAC will ensure that the co-development of the FNCL Agenda is informed by, and responsive to, the priorities, rights, and knowledge held by First Nations rights holders, communities, and governments. CIRNAC and ECCC, on behalf of the Government of Canada, and the Assembly of First Nations will each conduct engagement with First Nations, together and separately, as needed, to support the co-development of the FNCL Agenda.

The co-development of the FNCL Agenda will be leveraged to open up a space for First Nations to reflect on their experience of climate change, define their needs, and develop their own solutions. Engagement will be leveraged to generate momentum for climate action, providing First Nations with the time and resources needed to advance their own work.

Figure 1: Governance framework for the FNCL Agenda



A diversity of actions will support the engagement of rights-holders throughout the development process, including but not restricted to the following:

- JCCA activities
 - Subject to the agreement of First Nation hosts, and as permitted by public health guidelines in the context of the COVID-19 pandemic, the JCCA will meet on the lands of First Nations communities as often as possible.
- Joint federal/First Nations engagement activities:
 - Federal officials, in partnership with First Nations regional members, will hold in-person regional visits, engagement sessions, and workshops when possible and according to public health guidelines.
 - Information on the development of the FNCL Agenda will be made available online, and will be proactively shared with an evolving list of individuals and communities. A platform for two-way communication will be established to enable regular feedback (e.g. JCCA mailbox, online engagement platform, open teleconferences). Information will be disseminated in ways that reflect First Nations' traditions, including through visuals and storytelling.
 - Information on the development of the agenda will be integrated in all federal climate engagement initiatives with First Nations, thus ensuring that specific engagement activities are informed by efforts made to advance self-determination.
- First Nations engagement activities:
 - Members of the JCCA will identify opportunities for in-person interactions, and may support the participation of federal officials in First Nation events when appropriate (e.g. side events, National Climate Gathering, regional gatherings).

The Steering Committee will assess the involvement of rights- and title-holders according to the following, non-exhaustive principles:

- All elements of the FNCL Agenda will be informed by communities' on-the-ground experience of climate change, their daily realities and their priorities. This will require communities to have access to resources and communication channels to articulate those needs;
- All aspects of the agenda will be explicit in how they contribute to meaningful improvements for communities. The JCCA will measure progress against First Nations' climate strategies and local priorities;
- Perspectives from self-governing First Nations, First Nations communities, First Nations climate experts, and a diversity of rights-holders must inform all elements of the FNCL Agenda;
- The co-development process must be transparent and inclusive by default, with federal officials maintaining open lines of communication with rights- and title-holders; and,
- With support from regional coordinators, federal officials will meet First Nations on the ground, in their communities, to discuss their experience of climate change and the solutions they envision for their communities. Learnings from these dialogues will be reflected in all elements of the FNCL Agenda.

4. Next steps

In addition to existing resources and contribution agreements established to support engagement in the Pan-Canada Framework on Clean Growth and Climate Change, CIRNAC will make funding available on an annual basis from 2022-23 to 2024-25 to support the co-development process, utilizing Budget 2022's investment in Indigenous Climate Leadership.

The Steering Committee will make recommendations on the allocation of available funding on an annual basis. Federal officials are required to respect governmental standards and procedures pertaining to the administration of public fund.

DRAFT

Appendix 3: BC First Nations Climate Leadership Agenda - Steering Committee. Draft Guiding Principles and Shared Values



Prince George Office



1004 Landooz Road,
Prince George, BC
V2K 5S3



Tel: (250) 962-1603
Fax: (250) 962-9552
Toll Free: 1-877-621-1603

Vancouver Office



Suite 1020-1200 W. 73rd Ave
Vancouver, BC
V6P 6G5



Tel: (778) 945-9911
Fax: (778) 945-9916
Toll Free: 1-833-381-7622

BC First Nations Climate Leadership Agenda - Steering Committee

Draft Guiding Principles and Shared Values

The BC Steering Committee and the co-development of the BC FNCL Agenda will be committed to these shared values and principles:

1. **United Nations Declaration on the Rights of Indigenous Peoples.** First Nations' climate priorities, self-determination and the United Nations Declaration on the Rights of Indigenous Peoples, including Free, Prior and Informed Consent, will guide all aspects of the co-development process.
2. **First Nations Knowledge Systems and Ethical Space:** The BC Steering Committee and the co-development of the BC FNCL Agenda will be held in a safe, mutually respectful, shared, and collaborative space known as an Ethical Space. The application of Ethical Space will ensure the goals of the BC FNCL Agenda are achieved while honouring distinct First Nations and Western knowledge systems throughout the process. The inclusion of, and active support for, First Nations knowledge systems along with Western knowledge systems in the BC FNCL Agenda will produce outcomes that are conducive to both rights and title-holders and federal officials. Though very diverse in nature, First Nations knowledge systems are often embedded in place, the land, language, stories, histories, and legal traditions, which will provide essential perspectives in the BC FNCL Agenda to promote self-determination and First Nations-informed climate action.
3. **Legacy of colonization and land dispossession.** The co-development of the BC FNCL Agenda will be informed by and will contribute to remedying the legacy of colonization and the resulting socio-economic conditions, historical underfunding of First Nations, and dispossession of First Nation lands. At the same time, participants understand that the scope of the initiative, and any solutions that may ensue, will be primarily targeted at addressing climate change and its adverse impacts on First Nations' wellbeing.
4. **Direct engagement with rights and title-holders.** While improvements to First Nations' well-being in relation to climate change are expected to flow indirectly from the development of the BC FNCL Agenda, the unrestricted participation of rights and title-holders is understood to be a prerequisite for success.
5. **Transparency:** To collaborate with each other and work effectively, the BC Steering Committee and chairs must be transparent in the process provide clear information and from the outset. Ensuring that roles and responsibilities are clearly communicated so BC Steering Committee members can be accountable for collective and individual decisions and outcomes.

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Prince George Office



1004 Landooz Road,
Prince George, BC
V2K 5S3



Tel: (250) 962-1603
Fax: (250) 962-9552
Toll Free: 1-877-621-1603

Vancouver Office



Suite 1020-1200 W. 73rd Ave
Vancouver, BC
V6P 6G5



Tel: (778) 945-9911
Fax: (778) 945-9916
Toll Free: 1-833-381-7622

6. **Clear Recommendations:** Clear, concise and consensus-based recommendations will ensure the best possible outcomes for the co-development process.
7. **Trust and Confidentiality:** The meetings and content discussed at the BC Steering Committee meetings are confidential. The reports will remain confidential, including the findings and recommendations, until they are publicly available. The viewpoints and insights shared by the BC Steering Committee members are confidential and should be shared with documented permission and shared approval from the BC Steering Committee meetings. Developing a high-trust environment will allow for more effective discussions and strengthen the process.
8. **Meaningful Involvement:** Members should contribute actively and meaningfully to the BC Steering Committee discussions. Members are expected to read supporting documents and attend meetings prepared and ready to contribute. Each member should ensure space for everyone to share their viewpoints and perspectives free of judgment.
9. **Holistic Viewpoints:** Members must acknowledge First Nations' worldviews in solving the climate crisis and recognize that all living things are interconnected.



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