



## Prince George Office



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Draft

# Terms of Reference

## BC First Nations Climate Leadership Agenda - Steering Committee

### 1. Name of the Steering Committee

The Steering Committee shall be known as the BC First Nations Climate Leadership Agenda Steering Committee (“the BC Steering Committee”).

### 2. Background and Context

In response to the climate emergency, in 2019, the First Nations Leadership Council (**FNLC**) received the mandate from First Nations in BC to develop a [First Nations Climate Strategy and Action Plan \(BC FN Climate Strategy\)](#). The BC FN Climate Strategy was developed over Three years and endorsed in early 2022. The BC FN Climate Strategy is province-wide in scope, seeking to respond to the needs and priorities of First Nations as a collective body. The BC FN Climate Strategy presents a vision, guiding principles, and broader priorities for climate action articulated by First Nations leadership and community members from across the province.

In the [Strengthened Climate Plan](#), [Emission Reduction Plan](#), [2022 federal budget](#) and [United Nations Declaration on the Rights of Indigenous Peoples Draft Action Plan](#), the Government of Canada committed to co-developing an *Indigenous Climate Leadership Agenda (ICL Agenda)*, including distinctions-based approaches, that build regional and national capacity and progressively vests authority and resources for climate action in the hands of First Nations, Inuit, and Métis peoples and representative organizations.

Discussion and work between Canada and First Nations representative organizations at the [Joint Committee on Climate Action \(JCCA\)](#) have helped to lay a foundation for the *First Nations Climate Leadership Agenda (FNCL Agenda)*, recognizing that First Nations in Canada face many challenges when accessing federal climate funding.

To co-develop the FNCL Agenda, 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 representatives at the JCCA, First Nations regional leads in the provinces and territories, and First Nations



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right-holders across Canada. First Nations regional leads will facilitate the co-developing of the FNCL Agenda with First Nations title and right holders in their regions through local-based process.

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

In March 2023, Chiefs-in-Assembly mandated (**Resolution 07/2023**) the Regional Chief and BC Assembly of First Nations (**BCAFN**) staff to work with First Nations in BC to facilitate the co-development of the *First Nations Climate Leadership Agenda in BC (BC FNCL Agenda)* and work with the JCCA to ensure that the BC FNCL Agenda recommendations and policy directions are fully considered in the Canada-wide FNCL Agenda development.

To make the implementation of the FNCL Agenda a reality, a Memorandum to Cabinet (**MC**) and a budget will be presented to Cabinet (Fall of 2024/Winter of 2025) and Treasury Board respectively for deliberation and approval. CIRNAC and ECCC in collaboration with First Nations partners and other Indigenous partners will prepare the MC based on the regional co-developing processes and respective FNCL Agendas, while respecting Cabinet confidence.

### 3. Objectives of the BC FNCL Agenda

The BC FNCL Agenda is not meant to replace the BC FN Climate Strategy or its implementation. Rather, the BC FNCL Agenda will complement the work that the FNLC is undertaking to implement the strategy's pathways and actions by identifying and providing priority actions and recommendations to build a better system for partnership between First Nations in BC and Canada.

In this system, First Nations must have a meaningful and clear role in federal policy decision-making and governance as outlined in Articles 18 and 19 of the UN Declaration, and where First Nations have access to long-term funding support to continually build climate capacity and develop their own self-determined climate responses.

The co-development of the BC FNCL Agenda will require meaningful engagement with First Nations rights and title-holders, including Self-Government and Treaty Nations, and First Nations organizations throughout BC.

Using the BC FN Climate Strategy as a starting point, the BC FNCL Agenda aims to provide a roadmap and policy direction through meaningful engagement with First Nations in BC to:

- **Implement the BC FN Climate Strategy.** Define First Nations climate priorities for climate action in BC while respecting self-determination and upholding inherent and constitutionally protected title, rights, and treaty rights.



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Strengthen the BC FN Climate Strategy by validating the priority objectives and actions to support the Strategy's implementation (particularly Themes 1.1, 1.2, 1.4 and 2.3).

- **Transfer of federal funding.** Identify barriers and opportunities to addressing First Nations' challenges in accessing federal climate funding, and provide recommendations.
- **Collaborative decision-making on climate.** Identify barriers and opportunities for First Nations' participation in federal climate governance, decision-making and policy development and provide recommendations.
- **Addressing barriers to climate action.** Provide recommendations for a long-term path forward to consolidate First Nations climate leadership in BC as outlined in the vision statement presented in the BC FN Climate Strategy.
- **Supporting capacity, expertise, and governance.** Provide recommendations on how the federal could provide sustained support to help build/grow the capacity, expertise, institutions, and/or other supports necessary to implement First Nations climate actions
- **First Nations knowledge systems, Laws and Languages.** Provide recommendations on how the federal government:
  - support the preservation and use of First Nations Knowledge, laws and languages as a foundation to build climate resiliency;
  - include Indigenous Knowledge in climate policy development and action.

## 4. Purpose, Scope and Responsibilities of the BC Steering Committee

The BC Steering Committee will be responsible for making important decisions for the BC FNCL Agenda development, which include providing strategic direction on the engagement process and validating findings and recommendations throughout the co-development of the BC FNCL Agenda.

The BC Steering Committee will oversight on the Memorandum to Cabinet development process based on the recommendations in the BC Climate Leadership Agenda report.

This committee will provide an ethical space for in-depth discussions on the engagement process, co-development methods, focus group topics, and how to best connect this process to implementing the BC FN Climate Strategy. The BC Steering Committee will ensure accountability and oversight on engagement decisions while explicitly recognizing the need to be directly informed by, and responsive to the priorities, rights, and knowledge held by First Nation title and rights-holders.

The BC Steering Committee is not a consultative body; First Nations governments, as rights and title-holders to their lands, have specific protocols and laws that must be considered related to their climate change initiatives.



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The Chair will share regular progress updates on the work plan, the national process led by the Canada-wide Steering Committee and the First Nations – Canada Joint Committee on Climate Action (JCCA), the FNLC and BCAFN climate change-related projects and parallel government processes.

In addition to work at the regional level and meetings, the BC Steering Committee members might be invited to participate in national-level meetings of regional leads to support the co-development of the FNCL Agenda across Canada (three sessions will be scheduled at the beginning, middle and end of the process).

The Terms of Reference outlined in this document is a living document that may be updated or changed on a consensus basis by the BC Steering Committee.

## 5. 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:

- 5.1. 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.
- 5.2. 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 honoring 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.
- 5.3. 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.
- 5.4. Direct engagement with rights and title-holders.** While improvements to First Nations' wellbeing in relation to climate change are expected to flow indirectly from the development of the BC



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FNCL Agenda, the unrestricted participation of rights and title-holders is understood to be a prerequisite for success.

- 5.5. 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.
- 5.6. Clear Recommendations:** Clear, concise and consensus-based recommendations will ensure the best possible outcomes for the co-development process.
- 5.7. 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.
- 5.8. 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.
- 5.9. Holistic Viewpoints:** Members must acknowledge First Nations' worldviews in solving the climate crisis and recognize that all living things are interconnected.

## 6. Timelines

Dates and times for the meetings will be determined by group availability once the BC Steering Committee is established and will occur from July 1, 2023, to March 31, 2025. It is estimated that 8-10 meetings will occur per fiscal year. The Steering Committee members could be required to hold additional meetings in order to carry its mandate and responsibilities.

## 7. Proposed Membership

The BC Steering Committee members will consist of:

- BCAFN representative (1)
- FNLC Representative (1)
- BCAFN Youth Representative (1)
- First Nations Leader Representatives / Knowledge (2)



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## 8. Operating Procedures

### 8.1 Meetings

- Meetings will be mainly conducted over Zoom. We may also utilize online tools such as Miro (online whiteboard). Meetings in-person will be based on availability and budget.
- Communication of the meeting times, calendar invites, agendas and supporting information will be provided to the BC Steering Committee members prior to each meeting by the BCAFN.
- A minimum of four out of the five members must attend the meetings to reach quorum.
- It is estimated that 8-10 meetings will occur per fiscal year. The Steering Committee members could be required to hold additional meetings in order to carry its mandate and responsibilities.

### 8.2 Co-Chair Roles

- The chair roles will be held by a BCAFN project team member.
- Ensure the discussions stay focused and the technical feedback and decisions required are appropriately discussed.
- Ensure transparency and that all members have equal opportunity to share, speak and express their points of view.
- The Chair will share regular progress updates on the work plan and First Nations – Canada Joint Committee on Climate Action (JCCA), FNLC and BCAFN climate change-related projects and parallel government processes.
- Present meeting outcomes and decisions to the BCAFN board, JCCA, the federal government etc.
- Abide by the BC Steering Committee's guiding principles and shared values and hold members accountable to fulfilling the duties of their important roles.

### 8.3 Member Roles

- Members should make every possible effort to attend meetings and actively provide feedback, guidance and advice to strengthen the co-development of the BC FNCL Agenda process.
- Members are expected to review information and materials provided prior to the meetings.
- All members should anticipate a minimum time commitment of four hours per month until March 31, 2025, to review materials and attend meetings.
- Members should participate actively and respectfully during the entire process.
- Members are encouraged to bring their perspectives but must remain unbiased in their technical and advisory recommendations.
- On a case-by-case basis, BC Steering Committee members can nominate an alternate to participate in their place at meetings.



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- Members may be invited to engagements and meetings related to the project and can accept on a case-by-case basis.
- Abide by the BC Steering Committee's guiding principles and shared values and hold the BCAFN project team accountable.

### 8.4 Resignation

BC Steering Committee members should provide the co-chairs with a minimum of two weeks notice of resignation in writing.

### 8.5 Compensation

The youth, leader, and FNLC members of the BC Steering Committee will be provided with an honorarium of \$600 for each meeting.

### 8.6 Decisions

All decisions and technical advice will strive to reach a consensus within the committee. If consensus cannot be reached, the chair will try to find a middle ground to reach a consensus or, as a last resort, conduct a vote. The decisions will be reported in the minutes.

### 8.7 Report and Recommendations

The outline, first draft and final report will require review and approve of the BC Steering Committee prior to publicly releasing or presenting to Chiefs in Assembly. In addition, the BC Steering Committee will oversee the Memorandum to Cabinet development process based on the recommendations in the BC Climate Leadership Agenda report.

## 9. Management and Administration Support

BCAFN will provide administrative support to the BC Steering Committee, which will include:

- Creating a safe, supportive and transparent virtual meeting space.
- Scheduling meetings and sending meeting invitations, agendas and supporting information to members.
- Taking meeting minutes to be circulated to members within two weeks of the meeting.
- Conducting research or special engagement meetings to inform discussions and decisions.
- Maintaining regular and prompt correspondence with the BC Steering Committee.
- Coordinating compensation and reimbursement of costs or honorariums.