



BC ASSEMBLY OF FIRST NATIONS

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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;

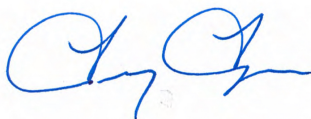
Article 18: Indigenous peoples have the right to participate in decision-making in matters which affect their rights through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions;

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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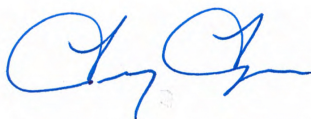


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its duty to consult First Nations at a local, regional and national level on issues related to climate change;

- 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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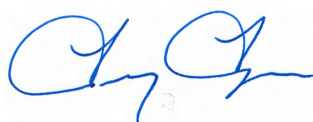


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THEREFORE BE IT RESOLVED THAT:

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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