

# DRAFT RESOLUTION # 11 / 2018

## AFN Special Chiefs Assembly, December 4-6, 2018, Ottawa, ON

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**TITLE:** Positioning First Nations as Climate Leaders

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**SUBJECT:** Climate Change

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**MOVED BY:** Chief Aaron Sumexheltza, Lower Nicola Indian Band, BC

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**SECONDED BY:** Chief Roberta Joseph, Tr'ondek Hwech'in First Nation, YK

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### WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples states:
- i. 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.
  - ii. Article 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 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.
  - iii. Article 32 (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.
- B. Climate change is significantly altering our way of life on the lands the Creator has bestowed upon us and upon which we have inalienable rights as confirmed in Treaties between First Nations and the Crown.
- C. First Nations have been leading both domestic and international efforts on climate action.
- D. International leaders have set global targets to reduce carbon emissions as part of the 21<sup>st</sup> Conference of the Parties (COP 21). This led to the Paris Agreement, signed by Canada in April 2016. All parties to the Paris Agreement agreed that they should, when taking action to address climate change, recognize and respect the rights of Indigenous peoples.
- E. Internationally, First Nations have been involved in the negotiations on the Local Communities and Indigenous Peoples Platform, including "*Call on the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) to support all efforts, including changing the draft rules of procedures, to improve First Nations' full and effective participation in the UNFCCC*" (Resolution 101/2017, *Supporting First Nations' participation in international climate change*).
- F. At a First Ministers Meeting in Ottawa in December 2016, the First Ministers adopted the Pan-Canadian Framework on Clean Growth and Climate Change (PCF), agreeing to recognize, respect, and safeguard the rights of Indigenous peoples. This was followed by a joint-statement between the National Chief and the Prime Minister, as well as a joint release of a "Process Document for Ongoing

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Engagement on the PCF”, resulting in the creation of the Joint Committee on Climate Action (JCCA) – a technical body made up First Nations and federal representatives.

- G. Reflecting the diverse nature of First Nations’ regions and their experiences with climate change, the work of the JCCA has advanced solutions in relation to greenhouse gas pollution pricing, First Nations access to federal climate-related funding, and considering Indigenous knowledge in the implementation of the Pan-Canadian Framework.
- H. This JCCA does not replace or alleviate the Crown of its duty to consult and accommodate First Nations at a local, regional and national level on issues related to climate change, including mitigation and adaptation activities.
- I. The JCCA, as its major deliverable, has developed an Annual Report, summarizing the Committee’s work over the last year, to be submitted to the Prime Minister and the National Chief.
- J. The Assembly of First Nations has passed numerous resolutions supporting First Nations’ involvement in climate change discussions including: Resolution 103/2017, *Supporting First Nations’ participation in international climate action*, Resolution 21/2017, *Joint Committee on Climate Action*, Resolution 97/2016, *First Nations Full and Meaningful Inclusion in Climate Action*, Resolution 29/2016, *Engaging in Climate Action and the Environment*, Resolution 48/2016, *Indigenous Human Rights and Responsibilities for the Protection of Mother Earth within Climate Change Action*, Resolution 59/2015, *Support First Nations in Addressing Climate Change* and Resolution 51/ 2015, *Inclusion of Indigenous Rights in Paris Agreement and Resulting Strategies*.

#### **THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:**

- 1. Support the work of the Joint Committee on Climate Action (JCCA) between First Nations and the Government of Canada to ensure First Nations full and meaningful inclusion in the Pan-Canadian Framework on Clean Growth and Climate Change and other related priorities identified by First Nations based on their inherent rights, titles, treaties, and other formal arrangements.
- 2. Call on the Prime Minister to implement the Joint Committee’s recommendations in the areas of greenhouse pollution pricing, federal funding accessibility, and action on climate change.
- 3. Reiterate that the JCCA does not replace or alleviate the Crown of its duty to consult and accommodate First Nations and that additional efforts must be afforded in order to consult directly with rights holders on issues related to climate change, including mitigation and adaptation activities, in a manner that is respectful of their unique protocols, and processes.
- 4. Direct the Assembly of First Nations to call upon the Minister of Environment and Climate Change Canada to provide adequate financial capacity to support First Nations, regions, provincial and territorial organizations, and women, Elders, and youth to participate in these activities and to maintain their important role as stewards of the environment in successfully managing Canada’s climate action.