



Environment and  
Climate Change Canada

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# ADVANCING ENVIRONMENTAL JUSTICE: TOWARDS A NATIONAL STRATEGY

AFN Environmental Justice  
Webinar

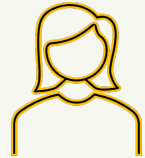
*November 2024*



Canada 

# FIRST...WHO WE ARE (AND WHAT WE DO)

**Members of Environment and Climate Change Canada's "Gender Based Analysis Plus and Environmental Justice" Division**



**Amanda Monforton**  
Director, GBA Plus and Environmental Justice



**Ryan Brunt**  
Senior Policy Advisor/Manager,  
Indigenous Environmental Justice

**Leading federal policy development related to environmental racism and environmental justice, and providing policy advice/guidance to our colleagues. Key examples:**



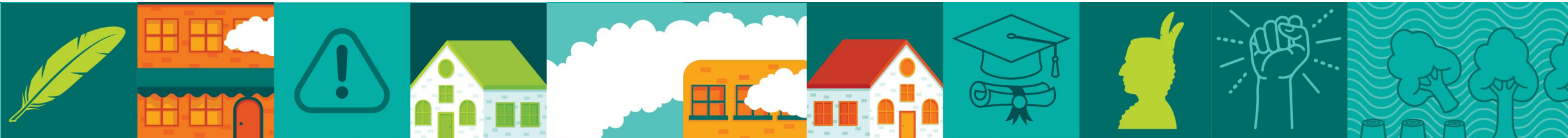
Lead on development of a national strategy to assess, prevent and address environmental racism and advance environmental justice



Providing advice and support to departmental colleagues who are seeking to consider potential environmental inequities in their work



Engaging with communities that have reached out to discuss environmental racism



# PURPOSE & INTENT OF DISCUSSION

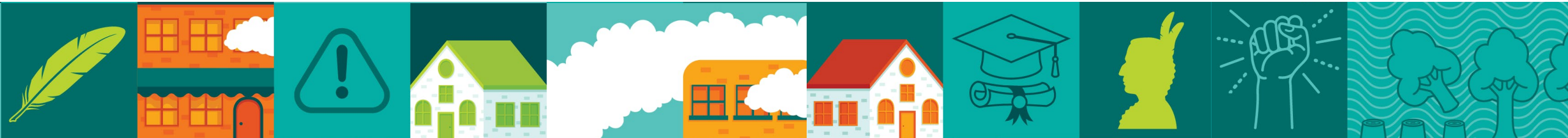
We acknowledge the essential nature of First Nations knowledge and perspectives in developing approaches to engage with First Nations.

*AND*

We affirm the need to undertake engagement with First Nations to build a robust and meaningful strategic approach to environmental justice that addresses First Nations's priorities.

This discussion endeavors to :

- 1 Provide background on concepts of Environmental Justice and;
- 2 Outline preliminary approach to co-design a First Nations engagement approach related to environmental racism (ER) and environmental justice (EJ).



# ENVIRONMENTAL JUSTICE AND RACISM

While there is **no established definition**, the **grassroots principles and concepts of EJ** are broadly understood to include:

## RECOGNITIONAL JUSTICE

Acknowledgment and respect for differences, linking environmental pollution to the exacerbation of existing inequalities.

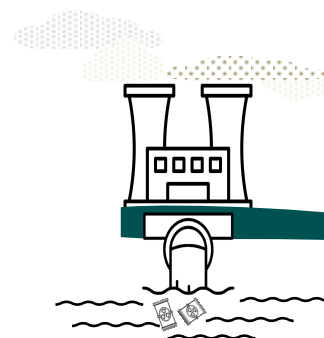
## PROCEDURAL JUSTICE

Meaningful participation and inclusion of affected communities in environmental decision-making processes.

## DISTRIBUTIVE JUSTICE

Ensuring environmental benefits and burdens are equitably distributed.

ENVIRONMENTAL BURDEN



SOCIAL DETERMINANTS,  
LEGACY OF  
COLONIZATION



ENVIRONMENTAL  
RACISM



# OVERVIEW OF BILL C-226

## National Strategy Respecting Environmental Racism and Environmental Justice Act

- Introduced in 2020 by Lenore Zann and re-introduced by Elizabeth May in February 2022.
- 2021 ECCC Mandate letter supporting the support of legislation to create a National Strategy on EJ

### The strategy must include:

- (a) a study
- (b) measures that can be taken to advance environmental justice and assess, prevent and address environmental racism.

### The preamble of C-226 lays out initial intent, acknowledging:

*“a disproportionate number of people who live in environmentally hazardous areas are members of an Indigenous, racialized or other marginalized community”;*



*“the establishing of environmentally hazardous sites, including landfills and polluting industries, in areas inhabited primarily by members of those communities could be considered a form of racial discrimination.”*

*“recognizes that it is important to meaningfully involve all Canadians — and, in particular, marginalized communities — in the development of environmental policy and that racial discrimination in the development of environmental policy would constitute environmental racism”*



# OVERVIEW OF BILL C-226:

## National Strategy Respecting Environmental Racism and Environmental Justice Act

### National Strategy

**3 (1)** The Minister must develop a national strategy to promote efforts across Canada to **advance environmental justice** and to assess, prevent and address **environmental racism**.

### Consultation

**3 (2)** In developing the strategy, the **Minister must consult or cooperate** with any interested persons, bodies, organizations or communities — including other ministers, representatives of governments in Canada and Indigenous communities — and ensure that it is consistent with the Government of Canada's framework for the recognition and implementation of the **rights of Indigenous peoples**.

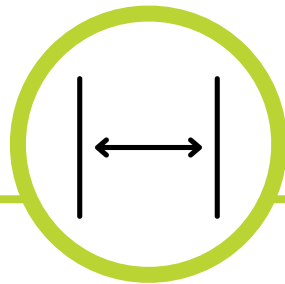


# WHAT COULD A STRATEGY ACHIEVE?

Within the context of the Minister's mandate letter and Bill 226, the strategy is positioned as a framework to guide Canada in promoting efforts across the country to advance environmental justice and to assess, prevent and address environmental racism. This could include elements such as...



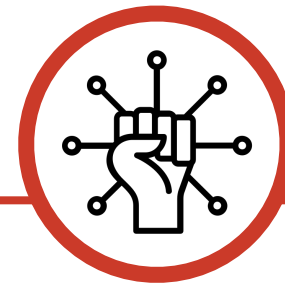
Mapping the federal landscape to understand what exists (e.g., legislation, policy, programs, etc.), and where there may be intersections and/or opportunities.



Build an understanding of the knowledge field (*What do we know? What data exists?*) and developing approaches to advance understanding.



Identifying clear measurable outcomes and key performance indicators, including leveraging existing indicators.



Establishing approaches and mechanisms to build awareness, collaborate and empower impacted communities to meaningfully participate in the development of environmental policy.



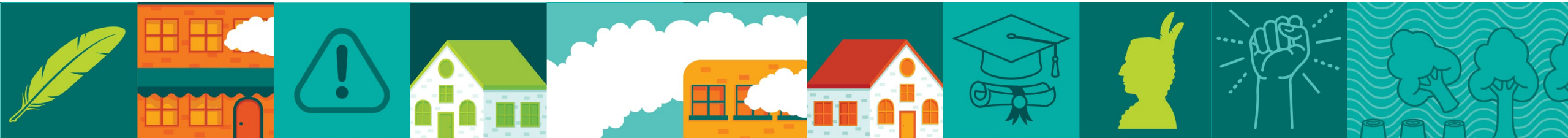
# ANTICIPATED NEXT STEPS

## ENGAGEMENT & CONSULTATION

- Officials are exploring an approach which recognizes the importance of iterative, **meaningful community-level engagement and involvement** on this grassroots issue consistent with UN Declaration Act and FPIC.
- Engagement will move from broad discussions and awareness-building towards engagements with interested parties and, crucially, with communities that believe they have been impacted by environmental racism.
- Important to remember that C-226 is **national in scope**, and capturing national perspectives is required through localized, regional and specific engagements.

## STUDY

- Study will inform strategy development to better understand environmental racism in Canada and support policy development.
- Given the relative "newness" we are aware that analysis and knowledge will expand overtime; focusing on a "baseline" understanding to inform strategy development.





# APPLYING AN APPROACH TO RESPECT INHERENT RIGHTS...

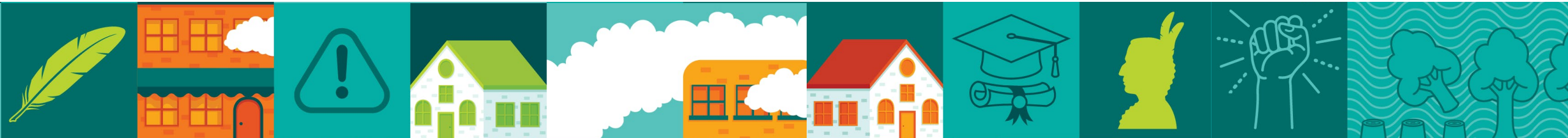
## *Meeting the legislative requirements of C-226...*

To meet the intent of Bill C-226, the initial strategy will need to meet obligations to be consistent with the Government of Canada's framework for the recognition and implementation of the rights of Indigenous peoples, and seek free, prior, and informed consent.

Early efforts (within the first two years of C-226) would focus on co-design of a plan to engage Indigenous peoples that **recognizes the current consultation burden** on Indigenous rights holders and ensures that they have **time and space to participate in the engagement process**.



Section 3 (2) of C-226 requires the government to develop the strategy in a way that is consistent with the **'Government of Canada's framework for the recognition and implementation of the rights of Indigenous peoples.'** (i.e. UNDA, TRC, MMIW, etc.)



# CRITICAL FRAMING ELEMENTS

Several critical drivers frame the need for a First Nations engagement approach with respect to environmental racism and environmental justice efforts:

*Private Member's Bill C-226 requires consultation and cooperation with Indigenous Peoples, including those who represent Indigenous governments, consistent with UNDRIP and the UN Declaration Act.*

Canada's implementation of UNDRIP, the UN Declaration Act, requires that governments:

- seek free, prior and informed consent of Indigenous Peoples before undertaking legislative or administrative measures that would impact them, and
- that Indigenous Peoples have a right to participate in decision-making that would impact their rights.

UNDRIP also recognizes that Indigenous Peoples have rights to

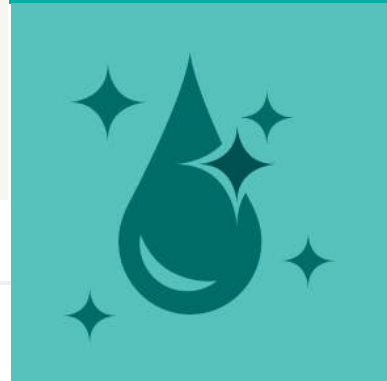
- conservation and protection of the environment, and
- the productive capacity of their lands and resources.

The UN Declaration Act Action Plan further reiterates goals toward implementing UNDRIP requirements

- to consult and cooperate, where cooperation reflects practical issues of providing opportunity and
- resources to influence federal policy via representative organizations.

***The term "Indigenous Peoples" understates an extremely complex range of communities, rights-holders, advocates, and relationships that will impact the practical approach towards engagement.***

# EXPLORING AN INDIGENOUS-FOCUSED ENVIRONMENTAL JUSTICE STRATEGY



The development of an Indigenous-focused strategic approach on a separate timeframe than the EJ strategy for the general population, and be shaped by meaningful, rights-based engagement with Indigenous Peoples.

- The initial strategy (and associated engagements) will still benefit from and reflect Indigenous perspectives/considerations; but a more tailored strategy that is meaningful for Indigenous Peoples will take the necessary time.

As a crucial first step, it is important to frame understandings around what a First Nations-focused engagement approach could look like and hope to achieve, and **how** we can collaborate for a better outcome.

**Developing common understandings and identifying common considerations for engagement of First Nations**



# ADVANCING ENVIRONMENTAL EQUITY

[EnviroEquity.ca](http://EnviroEquity.ca)

**Amanda Monforton**

Director, Policy Development

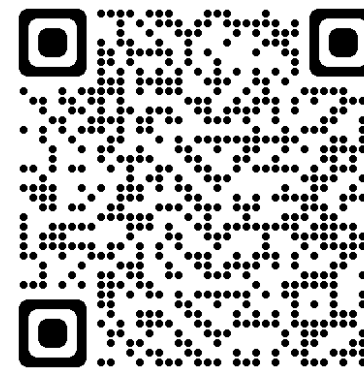
*Co-Chair, ECCC Indigenous Employees Network*

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# ANNEX A: POLICY DRIVER EXCERPTS

## UNDRIP Article 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.*

## UNDRIP 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.*

## UNDRIP Article 29

*1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.*

*2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.*

## UNDA Action Plan

The UN Declaration Act mandates the Government of Canada to not only consult with Indigenous peoples, but also cooperate with them. This means that Indigenous peoples have the opportunity, including through their representative organizations, to participate in and to positively influence federal decision-making processes with adequate time and supported by adequate resources.

Develop coordinated, whole-of-government approaches to the implementation of the right to participate in decision-making related to legislative, policy and program initiatives, consistent with the UN Declaration, including articles 18 and 19, which could include:

- Elements to ensure relevant processes respect and reflect consultation and cooperation with affected Indigenous peoples to obtain their free, prior and informed consent
- Measures to address barriers to full and effective participation by Indigenous peoples, including, for example, in relation to access to information and capacity supports
- Identifying and pursuing potential legislative changes and changes to Government of Canada decision making practices and processes to implement the right to participate in decision-making
- Providing guidance on identifying Indigenous representative institutions for the purposes of implementing the right to participate in decision-making.

Work with Indigenous partners to ensure co-development of legislation, policies, programs, regulations and services furthers the right of Indigenous peoples to self-determination, led by priorities and strategies determined and developed by Indigenous peoples, and that co-development processes result in initiatives that comply with Indigenous rights and advance Indigenous priorities. This includes advancing concrete measures co-developed under the permanent bilateral mechanisms process such as the Inuit Nunangat Policy and distinctions-based co-development principles.

