

Canada



Joint Committee on Climate Action Annual Report

to the National Chief
and the Prime Minister – 2020



Canada

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Prayer, Elder Lorraine Netro - Gwich'in from Old Crow

Hai' Cho K'agwaadhat/thank you Creator God, we give you thanks for this day.
We acknowledge our Knowledge Keepers, Our Leaders, Youth, Men, Women and all who
are in our circle.

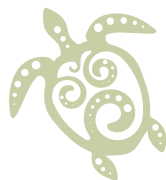
We acknowledge our Sacred Lands, Animals and Waters. We acknowledge the traditional
territory of the First People's land on which we stand.

Hai' Cho to our Ancestors for caring for these lands since time immemorial so that we can
live in a good way. Let us be mindful that, as we continue to do our work, we carry on our
teachings to serve our people and all future generations. Today, we ask that we do our
work with a good mind, good heart and a good spirit.

While we face many challenges in our homelands and have declared Climate Change
Emergency across our country, the COVID-19 pandemic brought a public health
emergency and the greatest challenge that we have ever faced. Our people feel severe
emotional distress, fear, worry about our loved ones and families. We feel vulnerable to job
loss, poverty and food insecurity which impairs our mental and emotional well-being.
Truly being together and supportive is the only way to get through this challenge.

We pray for love, courage and commitment for all of our Leaders and Decision Makers to
be mindful of the urgency to make the bold decisions while facing this Climate Change and
Health Emergency that will impact us and all future generations to come.

Mahsi' cho K'agwaadhat, jidii tthak diiyeenjii gwiinzii nahtsii
Thank you Creator God for making everything good for us.





Executive Summary


The global pandemic has impacted the way we live, work, and relate to one another. Not only has this altered how the Joint Committee on Climate Action (JCCA or 'the Committee') operates, but it also changed how the committee thinks about climate change and its relation to systemic inequities. COVID both exposed structural vulnerabilities within our healthcare system facing First Nations and other racialized communities, and showed how collaboration between governments - First Nations and federal alike - can advance tangible progress. Partnerships can be a catalyst for change, bringing together knowledge, resources and capacity towards shared goals. The JCCA sees important parallels from this pandemic with our commitment to advance joint climate action, grounded in partnership and meaningful recognition of First Nations' governance, rights, and leadership. Implicit in this recognition is the commitment to upholding and protecting the inherent, Treaty, and constitutionally protected rights of First Nations.

Since 2017, the JCCA has served as a unique forum where First Nations representatives and federal officials come together to discuss the inclusion of First Nations in climate policy and programming. The Committee provides technical advice on real and meaningful approaches to position First Nations as leaders of climate action, as well as encouraging inclusive, meaningful and adequately resourced First Nations' engagement that emphasizes collaborative planning and participation in decision making. This year, the mandate of the JCCA has grown as the Government of Canada introduced its strengthened climate plan (SCP): *A Healthy Environment and Healthy Economy*, a complement to the *Pan-Canadian Framework on Clean Growth and Climate Change* (PCF). Importantly, this collaboration does not replace the need for Canada to engage with First Nations rights-holders and the importance of moving forward through a nation-to-nation relationship.

The JCCA's mandate does not replace or alleviate the Crown of its duty to consult First Nations rights-holders at a local, regional and national level on issues related to climate change. As the JCCA continues to focus on its core mandate of providing joint advice on the implementation of the PCF, the SCP and First Nations' climate priorities, it positions at the core of its work the paradigm of First Nations Climate Leadership, the importance of empowering self-determined climate action, and the conviction that First Nations have a unique perspective that is integral to the way we collectively respond to the changing climate. This report documents our journey through the third year of collaboration, describing our shared strategies, and some challenges, for accelerating positive climate outcomes.

The report contains four sections:

1. Introduction from the Co-Chairs
2. Our Collective Response to the Climate Crisis
3. Towards First Nations Climate Leadership
4. Our Path Forward



The report opens with a message from the JCCA co-chairs, providing context on how the JCCA came together, its membership, and shared values members strive to uphold. This section

also documents how the COVID-19 pandemic has impacted the work of the JCCA in 2020, and draws lessons for the JCCA's response to climate change.

The second section, *Our Collective Response to the Climate Crisis*, summarizes the committee's main activities in 2020 and discusses progress against the JCCA's five priority areas identified in 2019. The final section, *Our Path Forward*, looks at the long-term objectives of the JCCA and charts the path for new and updated priorities :

- Advance First Nations' full and effective participation in clean growth and climate change programs, building on the Best Practices Guide;
- Ensure Canada's climate solutions learn from First Nations Climate Leadership and promote its full inclusion in emerging climate actions;
- Promote the meaningful participation of First Nations in the carbon pollution pricing system;
- Monitor progress on First Nations Climate Leadership and the full and effective participation of First Nations in climate change programs; and
- Foster an intergenerational and intersectional dialogue on climate change.

These areas of work reflect ongoing and emerging opportunities for joint climate action. As the Government of Canada implements its strengthened climate plan, *A Healthy Environment and A Healthy Economy*, and as the Assembly of First Nations advances its *National Climate Strategy*, the JCCA continues to serve as a unique and timely collaboration forum, and a vehicle for taking action grounded in partnership.





Introduction from the Co-chairs

This year marks the First Nations-Canada Joint Committee on Climate Action's (JCCA) first ever public release of our Annual Report to the National Chief and Prime Minister. As JCCA Co-chairs, we are excited by the opportunity of communicating the evolution of the First Nations-Canada partnership on climate to a larger audience, as well as documenting and discussing progress on the Committee's priority areas. We hope this report will provide useful information to those who seek to advance the full and effective inclusion of First Nations in federal initiatives while exploring avenues to uphold the right of self-determination in determining and leading on First Nations' climate priorities.

On December 9, 2016, following the release of the *Pan-Canadian Framework on Clean Growth and Climate Change*, the Prime Minister and the National Chief of the Assembly of First Nations made a joint commitment to establish a distinctions-based senior bilateral table based on the recognition of rights, co-operation, and partnership, providing a direct link for First Nations to obtain information and provide advice on federal climate policy, given the challenges in the lead up to the creation of the PCF. The creation of the JCCA benefited from the leadership of First Nations, which have noted the importance of sustaining deeper forms of engagement on climate change.

The JCCA is comprised of representatives from the Assembly of First Nations, including representatives from all regions in Canada, as well as Government of Canada officials from numerous federal departments, such as Environment and Climate Change Canada, Crown-Indigenous Relations and Northern Affairs Canada, Indigenous Services Canada, Natural Resources Canada, and Infrastructure Canada. It is mandated to provide technical advice on real and meaningful approaches to support sustained engagement on issues related to climate change, based on the inclusion of Indigenous Knowledge Systems and the standard of free, prior, and informed consent (FPIC). This

mandate does not replace or alleviate the Crown from its obligations to engage First Nations at a local, regional and national level on issues related to climate change. The JCCA reports annually to the Prime Minister and the National Chief.

To advance our mandate, the JCCA has met quarterly since it was established in fall 2017. Over the last three years, the Committee has established a durable, constructive relationship on shared climate priorities. This has been facilitated by a significant and ongoing investment of time for the development of an Ethical Space - a concept that the JCCA believes is a journey that will require time, commitment, the building of relationships, and flexibility, thanks to the teachings of Elder Dr. Reg Crowshoe. Five guiding principles have emerged to guide the Committee's work: a rights-based approach, trust and kindness, mutual respect and fairness, good faith and honesty, and joint-development. Members have learned how hard advancing these principles can be, especially in the appropriate representation of Indigenous knowledge systems in our work.





Continuing the construction of our partnership will require sustained and ongoing efforts, and members understand that change can happen when we come together in the safety of ethical spaces to have discussions and jointly develop solutions. Members also explicitly acknowledge the parameters and boundaries guiding JCCA's mandate. While the JCCA is a cornerstone of collaboration between First Nations and the Government of Canada, First Nations' vision of climate leadership spans well beyond the scope of this Committee to embrace climate actions undertaken by and for First Nations, in the truest sense of self-determination. Navigating this spectrum continues to be both a great opportunity and challenge for the work of the JCCA.

Since it was created, the JCCA has identified best practices and developed several guides to support federal officials to engage First Nations meaningfully in climate policy and ensure that federal funding programs support the participation of First Nations and account for their unique and diverse circumstances. The JCCA was also instrumental in co-developing, with federal leadership from Crown-Indigenous Relations and Northern Affairs Canada, a vision for First Nations Climate Leadership - a vision that better responds to the unique realities of First Nations. Together, these efforts contribute to the transition towards more decision-making and resources in the hands of First Nations, where First Nations are empowered to contribute to the transformative changes necessary to respond to the changing climate.

However, the committee knows there is still significant work ahead, including the need to include First Nations in national climate governance, to explore innovative, self-determined funding models for First Nations-led climate action, and to enable First Nations as full and effective partners in the federal carbon pollution pricing system. Direct and meaningful engagement with First Nations rights- and title-holders is essential in this regard.

A commitment to direct and meaningful engagement with First Nation rights- and title-holders is essential in this regard.

Building on this progress, we have used this report to outline the JCCA's work over 2020, ranging from expanding knowledge on best practices to include the meaningful engagement of First Nations, to advancing a vision of First Nations Climate Leadership, informing the renewal of targeted adaptation programming, and conducting the committee's first program-based analysis of First Nations' involvement in the PCF.

With all of the progress that has accumulated over the last three years at the JCCA, there is still much work to be done to meet and exceed Canada's 2030 climate target and achieve our shared priorities. In 2019, both the House of Commons and the Chiefs-in-Assembly have declared the urgency of addressing the climate crisis. Through the JCCA, both the Assembly of First Nations and the Government of Canada demonstrate their continued commitment to contribute to partnership-driven climate solutions, where First Nations are recognized and empowered the leaders of climate action they are.

Members of the JCCA are excited to continue working together to further our collective response to the climate crisis this year and for many years to come.

Tonio Sadik – Senior Director, Assembly of First Nations; & Matt Jones – Assistant Deputy Minister, Environment and Climate Change Canada.

Regional Case Stories

Weenusk First Nation – Climate leadership



1: Image from the short film 'Along the Winisk River.' © Daron Donahue for Human Rights Watch.

Weenusk First Nation was recently featured in a Human Rights Watch report and video on the impacts of climate change on First Nations' right to food. The report found that Weenusk First Nation, along with other northern communities, has been experiencing significant climate change impacts that are increasing the difficulty and danger of maintaining traditional harvesting practices key to community food security and well-being. Funding provided through the Indigenous Guardian Pilot Program has supported the Weenusk First Nation's capacity to monitor, analyze, and determine how climate impacts within their traditional lands, like permafrost thaw and changing snow and ice cover, are in turn impacting on plants and animals that the community depends on for food and in order to maintain their culture. This type of community-based monitoring capacity is essential to First Nations' abilities to adapt to climate impacts and proactively manage climate risks.





Our Collective Response to the Climate Crisis

As climate-induced disasters, droughts, floods, and permafrost thawing continues to affect all regions in Canada distinctly, many anticipated that 2020 would be a year of climate ambition. A year where the Government of Canada is committing to “exceed[ing] Canada’s 2030 emissions reduction goal and beginning work so that Canada can achieve net-zero emissions by 2050”. The international community was expected to strengthen their ‘Nationally Determined Contributions’ (NDCs - also known as their greenhouse gas emission reduction targets) by the twenty-sixth Conference of the Parties hosted by the United Kingdom in Glasgow. All these plans faced disruption when the World Health Organization (WHO) declared COVID-19 a global health pandemic on March 11, 2020.

Since then, the health of hundreds of millions of people across the globe has been threatened by COVID-19; a virus that has impacted the way we live, work, and relate to one another. Canada has mobilized resources to scales that had never been seen before to support the health and well-being of all Canadians and people living within Canada. At the same time, it has exposed many of the structural vulnerabilities within our healthcare system, and the disproportionate impact on Indigenous Peoples and other racialized communities. In doing this, it has reinforced the JCCA’s assertion that a holistic and multidimensional response that recognizes the interconnected nature of all living systems is needed to address both the health and climate crisis. For First Nations, efforts must incorporate and address the systemic inequities and gaps that have resulted from the historical and ongoing impacts of colonization, land dispossession, and assimilationist policies. The disproportionate impacts from this type of event on First Nations have become much more visible over the last year, demonstrating the importance of addressing their root causes. These lessons are directly applicable to the JCCA’s work on climate change. The Committee recognizes that support for First Nations-led solutions is paramount to addressing these intersecting and multidimensional

impacts, while advancing both decolonization and decarbonization.

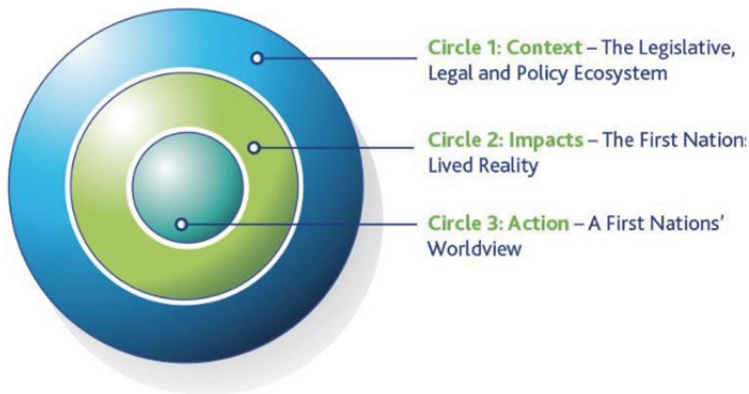
In 2019, the Chiefs-in-Assembly declared a First Nations Climate Emergency, calling for urgent and transformative climate action that reduces emissions in Canada by 60% below 2010 levels by 2030 in line with guidance from the Intergovernmental Panel on Climate Change, and reach net-zero emissions by 2050. These perspectives were highlighted at the first-ever, First Nations National Climate Gathering hosted by AFN in Whitehorse, Yukon in March 2020. Bringing together First Nations experts, leadership, youth, women, knowledge keepers and other professionals, the Gathering offered a unique opportunity to explore First Nations solutions on climate impacts, risks, and opportunities at various levels and build a better understanding of how the climate crisis is currently accelerating and exacerbating existing challenges (e.g., increased flooding, biodiversity loss, forest fires, etc.), as outlined above.

Discussing the importance of finding multi-dimensional, interconnected, and interrelated solutions, the Gathering highlighted how, for First Nations, a healthy environment is intertwined with all parts of life – health, well-being, happiness, cultures, languages, water, education, food security, economy and infrastructure – among many other



things. This conceptualization also informed the design of the Gathering, introducing a “First Nations Climate Lens” (Figure 1), which showed the intersection of three concentric circles - contexts, impacts, and action - which, when brought into focus can begin to re-frame the climate conversation towards transformative and systemic change and further guide transformational and systemic change, grounded in a reconnection to the land, the respect of First Nations rights including the right to self-determination, and equity with Indigenous knowledge systems. Solutions for the climate, like COVID-19, cannot be separated from the broader project of First Nations self-determination and decolonization.

Figure 1

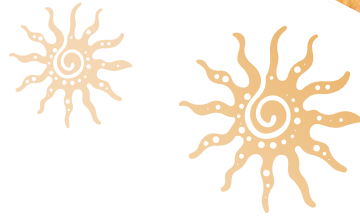


In 2020, the Government of Canada continued efforts to meet and exceed its 2030 GHG-reduction target under the *Paris Agreement* and achieve net-zero emissions by 2050. Canada tabled the *Canadian Net-Zero Emissions Accountability Act*, which proposes to legally bind the Government to a process to achieve net-zero emissions by 2050, set rolling five-year emissions-reduction targets starting in 2030 and require plans to reach each one, and establish the Net-Zero Advisory Body to provide independent advice to the Government on the best pathway to reach its targets. The Act also introduces a legislative requirement for the Minister to engage with the governments of the provinces, Indigenous peoples of Canada, the advisory body, and any interested persons deemed appropriate by the Minister, and make submissions on these climate plans. At the time of drafting this report, the proposed legislation was being considered by Parliament.

The Government of Canada also released *A Health Environment and a Healthy Economy*, a strengthened climate plan that builds upon the PCF, responding to the need to scale up climate efforts to meet and exceed Canada’s 2030 GHG-reduction target under the *Paris Agreement*. Taken together with the PCF, the Government of Canada projects this plan will achieve reductions of 36 percent below 2005 levels. First Nations members have noted the updated GHG-reduction target remains below the objectives called for by the Chiefs-in-Assembly to keep global warming below 1.5 degrees Celsius. First Nations have much to contribute to the understanding of net-zero and its benefits, having had ‘net-zero’ lives for the majority of their existence.

The plan reaffirms Canada’s commitment to the *United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)*, consistent with Canada’s proposed implementation in law through Bill C-15, An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples. It also commits the Canadian government to partner with First Nations to position Indigenous climate leadership as a cornerstone of Canada’s strengthened climate plan, recognizing this means “investing in the agency of Indigenous peoples and communities, supporting Indigenous-led and delivered solutions,





equipping Indigenous peoples with equitable resources, and ensuring appropriate access to funding to implement self-determined climate action". In doing so, the plan recognizes that "supporting self-determined climate action is critical to advancing Canada's reconciliation with Indigenous Peoples."(p. 68-9) There is much work for the JCCA to play in charting this

partnership with First Nations moving forward, recognizing that there are ongoing institutional and structural barriers that must be addressed for the federal government to fully support First Nations self-determination. The JCCA believes that joint efforts on climate change must simultaneously advance commitments for decarbonization alongside those for decolonization.

The United Nations Declaration on the Rights of Indigenous Peoples was passed by the United Nations General Assembly on September 13, 2007 and was endorsed by Canada on November 12, 2010. The Declaration outlines a set of minimum standards of achievement for all governments to work with Indigenous peoples, in the purpose of shared respect and partnership, in order to achieve these standards. The UN Declaration is a critical step forward in the recognition, promotion, and protection of the rights and freedoms of Indigenous peoples.

Article 3:

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development.

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.

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.

Article 25:

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.





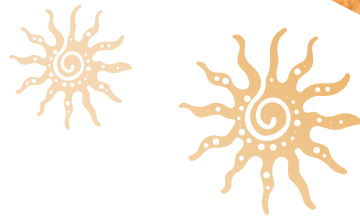
Efforts to advance these commitments continued at the JCCA, though the COVID-19 public health crisis impacted the Work Plan both substantively and procedurally. In the beginning, 2020 was a year to shift the focus towards First Nations climate priorities, continue improving federal climate programming accessibility, create First Nations-specific indicators to help monitor progress on shared priorities, and develop strong participation of Elders, youth, and women, as well as provincial and territorial governments in the committee's deliberations. Unfortunately, many of these priorities had to be re-envisioned due to COVID-related disruptions and the reality of learning how to work together in a virtual environment.

Public health measures created logistical challenges for the JCCA, requiring the full transition to an entirely virtual mode of work. Through video conferences, the JCCA nimbly moved to holding quarterly meetings for a shorter time period. These meetings were supplemented by the formation of two Working Groups - similar to previous efforts

of the JCCA that met on a more regular basis to advance technical issues. These two groups focused on evolving priorities within the federal family: one supporting climate program implementation and renewals, the other focusing on policy and mandate commitments.

An early commitment to developing an ethical space based on strong relationships between JCCA members, and an evolving understanding of the respectful interaction of Indigenous and non-Indigenous knowledge systems, has enabled progress to continue through these challenging times, although at a slower pace. However, there is still much work to be done and ongoing efforts to learn how best to progress in a virtual setting, which is anticipated to continue for the foreseeable future. As climate-related emergencies continue to intensify, considering how to create a more resilient collaboration space will be key, one where remoteness, natural emergencies, time zones, and competing priorities do not impede partnerships and inclusiveness.





Towards First Nations Climate Leadership

Last year, the JCCA advanced discussions on what climate leadership meant for First Nations, and how this vision could be reflected in Canada's policy and program development. In doing this, there was a recognition that this framing requires a shift towards flexible, nations-based funding arrangements that directly transfers resources, capacity, and authority to First Nations. To advance this, the JCCA began to explore options, including through amendments to existing policies and programs and institutional re-development, of providing First Nations with greater agency to self-determine climate action. In doing so, the JCCA positions itself as the leading forum to respond to the new approach committed to in A Healthy Environment and a Healthy Economy. Discussions to date have outlined the importance for the Government of Canada to develop its capacity to understand the significance of the First Nations Climate Lens, which calls for multi-dimensional, interconnected, and interrelated solutions. The Lens sheds light on how climate leadership cannot be separate from the commitments to decolonization. Attention to overcoming these challenges will require further discussion and innovation to honour First Nations as equals in climate action.

In last year's report, the JCCA identified five areas to focus its ongoing efforts. In particular, the JCCA set out to:

1. Ensure First Nations full and effective participation in federal clean growth and climate change programs.
2. Empower First Nations leadership in emerging opportunities for climate action.
3. Enable meaningful participation of First Nations in the carbon pollution pricing system.
4. Develop First Nations-specific indicators / criteria to report on the implementation of climate-related federal funding programs and outcomes for First Nations.
5. Create spaces for an intergenerational dialogue on climate change.

Each area has been worked on by the JCCA over the course of 2020, although there has been variable success in the full achievement of these collective objectives. The JCCA recognizes that more must be done to translate these areas of focus into concrete, on-the-ground changes for First Nations. It also recognizes that the cornerstone of its work - the vision of First Nations Climate Leadership - is an evolving concept that has implications beyond the climate agenda. The Committee agrees that the path forward will require work both within the federal departments and between the government and First Nations organizations, rights- and title-holders, and governments. Direct engagement between the federal government and First Nations rights- and title-holders is essential to maintaining the 'nation-to-nation' and 'government-to-government' relationship.



Ensure First Nations full and effective participation in federal clean growth and climate change programs.

Over the last 3 years of collaboration, First Nation representatives and federal officials have identified challenges and barriers that limit the advancement of First Nations' full and effective participation in federal climate actions and make it more difficult to participate in climate-related funding and policy development. Together, these barriers make it more difficult for First Nations to benefit from federal funding opportunities and to adequately address the compounding impacts of climate change. The main barriers limiting immediate access to, and participation in, climate change and clean growth federal programs were discussed in the JCCA's 2018 Annual Report to the National Chief and the Prime Minister, and summarized in a Best Practices Guide annexed to the Report. Building these best practices, the JCCA expanded them to cover engagement practices in 2020 (available in Annex 1).

Picking up on this progress, the last year offered a new opportunity for the JCCA: the prospect of certain federal funding programs sunsetting (i.e. being phased out) or coming up for renewal (i.e. asking for additional funds / program design changes), and the introduction of new climate programs. To support these changes, the JCCA struck a new, virtual working group to discuss strategies to address the previously identified administrative barriers, amend program parameters in line with best practices, and ensure programs reflect distinctions-based considerations. The JCCA also recommended the creation of dedicated governance spaces, where First Nations contribute to joint decision-making on the design and implementation of climate change programming.

Special attention was given to the framing of First Nations Climate Leadership, which intends to advance the self-determination of First Nations in climate-related decision-making processes. To do this, the JCCA discussed options to re-envision climate change investment models,

including options for self-determined funding models, building capacity for particularly disadvantaged First Nations project proponents, and developing flexible funding arrangements. There was clear recognition that the pursuit of self-determination required new, innovative ways of thinking that challenged the tendency to rely on calls for proposals to deliver assistance to First Nations. New models should avoid relying on, and multiplying the number of, application-based climate programs that do not have sufficient levels of funding to support First Nations' requests or fail to address First Nations' needs and priorities. The working group recognized that, at a minimum, the renewed or new programs introduced in 2021 must 'do-no-harm' to First Nations and their aspirations of self-determination.



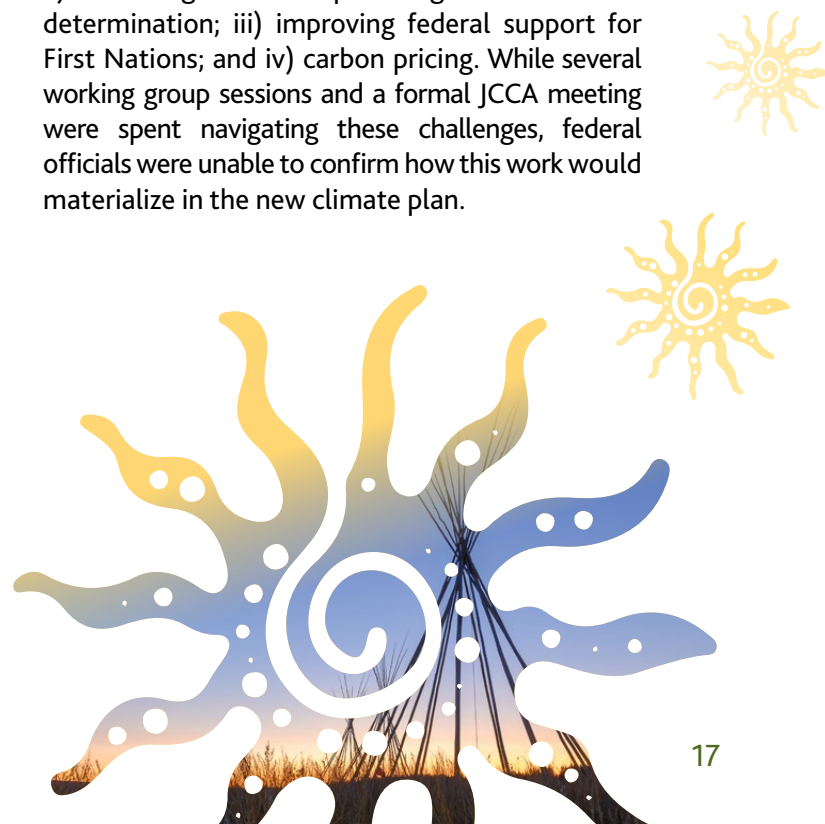


Empower First Nations leadership in emerging opportunities for climate action.

The JCCA has been working for several years on the concept of First Nations Climate Leadership: a concept that promotes a new way of thinking about climate solutions, a paradigm shift towards the positioning of First Nations' climate priorities and leadership at the core of climate action. This includes flexible, nations-based funding arrangements that directly transfers resources, capacity, and authority to First Nations. When the JCCA transitioned to a virtual setting, a working group was created to continue advancing this concept, including through the development of eight guiding principles supporting the government's meaningful engagement of First Nations in climate policy and programming (available in Annex 1).

As highlighted by the principles, solutions to address First Nations' participation and engagement in climate policies must be driven by longer-term, human relations directly with First Nations regionally and locally, must build upon early and meaningful engagement practices, and must be informed by the concept of Ethical Space. Through stronger decision-making and engagement opportunities throughout the lifespan of climate initiatives, equal space for First Nations' knowledge systems, and clear reflection of First Nations' legal orders in engagement and governance structures, many of the known barriers can be identified at the outset and addressed during the implementation of climate policies and programs, for the benefit of First Nations Climate Leadership. JCCA members further recognize the importance of addressing other socio-economic barriers, many of which originate from the ongoing legacy of colonization, that impede First Nations' capacity to adapt to the changing climate and undertake self-determined solutions. These factors include poverty, access to drinkable water, health outcomes, food and energy security, remoteness and isolation, and housing conditions, among others. The committee's work on climate change is inseparable from First Nations' daily lives and experiences.

The Speech from the Throne of 2020 committed the Government to “immediately bring forward a plan to exceed Canada's 2030 climate goal [and] legislate Canada's goal of net-zero emissions by 2050.” In spite of the uncertainty of timelines, the JCCA continued to advance some preliminary categories of First Nations climate measures: i) strengthening First Nations role in national climate governance consistent with the UN Declaration; ii) enabling and empowering climate self-determination; iii) improving federal support for First Nations; and iv) carbon pricing. While several working group sessions and a formal JCCA meeting were spent navigating these challenges, federal officials were unable to confirm how this work would materialize in the new climate plan.

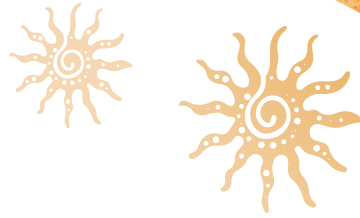




Canada released its proposed Strengthened Climate Plan (SCP) on December 11, 2020. While Canada's strengthened climate plan confirms the Government's intention to position Indigenous Climate Leadership as a cornerstone of climate action, First Nations members have expressed procedural and substantive concerns. In particular, First Nations members noted a significant amount of frustration getting any clear information on the opportunities to include the rights and interests of First Nations, including the inability to understand how First Nations, both locally and regionally, would be engaged in the creation of the new climate plan, in line with the Best Practices guide. First Nations members also noted the plan did not benefit from the lessons of the Best Practices Guide, nor the full participation of First Nations representatives on JCCA.

The release of the SCP positioned certain areas as proposals in need of engagement, and the JCCA looks forward to contributing to these opportunities in 2021, time permitting. In particular, the JCCA envisions having a prominent role to play in the plan's proposals to partner with First Nations to set an agenda for climate action and a framework for collaboration, work with First Nations to co-develop decision-making guidance that will ensure all of Canada's future climate actions help advance Indigenous climate self-determination, integrate Indigenous Knowledge systems, and support the implementation of First Nations-led climate strategies, once developed. The JCCA emphasizes that this role is complementary to the direct engagement with First Nations rights- and title-holders by the Government of Canada.





Enable meaningful participation of First Nations in the carbon pollution pricing system

Carbon pricing remains a challenging topic for the Committee. First Nations concerns, cited in resolutions from the AFN and Chiefs of Ontario, and in submissions to the Senate Committee on Finance reviewing the Greenhouse Gas Pollution Pricing Act, remain constant: i) the absence of meaningful engagement of First Nations on the design of carbon pricing systems across Canada; ii) the inability for First Nations as governments to exercise their free, prior, and informed consent to participate in and derive benefit from the applicable system; and iii) the lack of consideration to address the disproportionate burden of carbon pricing on First Nations, in particular those in remote or Northern locations. Given that these concerns were outside the scope of the Federal-Provincial-Territorial (FPT) 2020 Interim Report on Carbon Pricing, the JCCA embarked on a process to create a First Nations specific report for the 2020 interim report, drawing on the well-documented challenges that First Nations have already raised over the past four years. To the extent possible, carbon pricing remains a key priority for the JCCA to explore solutions to address First Nations' priorities and concerns.

In the last report, the JCCA committed to, recognizing regionally distinct circumstances, engage in discussions about the consistency of carbon pollution pricing for First Nations across all jurisdictions, including those with pre-existing carbon pricing systems, such as Quebec and British Columbia. Unfortunately, given other priorities at the JCCA and the challenges of working in an all-virtual environment, and the sensitive nature of the carbon discussion, this was not discussed at length. First Nations remain steadfast in their commitment to carbon pricing benefits being equitably distributed across the country - a commitment that has not yet come to fruition.

Canada's strengthened climate plan includes proposals to increase the carbon price by \$15 per year starting in 2023 rising to \$170 per tonne in 2030 as well as introducing measures to strengthen the federal benchmark minimum stringency criteria for provincial and territorial carbon pricing systems.

Where the federal backstop system is applied, carbon pollution pricing will continue to be revenue neutral with

proceeds being returned directly to the jurisdiction of origin. The plan also includes a commitment to triple the amount of net fuel charge proceeds available to Indigenous governments in federal backstop jurisdictions, starting in 2020-21. These proceeds will be returned through co-developed solutions and represent approximately 1% of total fuel charge revenues from those jurisdictions, divided between First Nations and Métis, where applicable.

First Nations have indicated that, in their views, engagement held to date does not solve the ongoing challenges they face in regard to carbon pollution pricing and continue to express significant frustration on this element of Canada's plan to address climate change. First Nations members have noted that, while the increase of Fuel charge proceeds returned is arguably quite significant for the country's climate action, it was not done in partnership with First Nations, nor did it reflect the ongoing concerns that First Nations have with the carbon pricing approach. First Nation partners continue to express significant frustration on this topic and look forward to opportunities to address well-documented concerns.



Develop First Nations-specific indicators / criteria to report on the implementation of climate-related federal funding programs and outcomes for First Nations

Monitoring the implementation of Canada's climate plan and outcomes for First Nations is of utmost importance to guide the work of the JCCA, replicate and promote successful models, and gauge the alignment of federal support with First Nations' climate priorities. To inform these considerations, the JCCA sought to gather information on known barriers, such as oversubscribed funding programs, the share of unsuccessful First Nations applicants, jurisdictional gaps in funding for First Nations, and the implementation of best practices to mitigate these challenges.

Preliminary analysis of available project-level data suggests the PCF provided more than \$200 million in support of approximately 240 First Nations recipients between 2016-17 and 2018-19. Together, this funding supported more than 200 distinct adaptation projects, 70 mitigation projects, and 10 initiatives supporting engagement on climate change. These projects represented about a quarter of total federal climate funding supporting adaptation projects (out of approximately \$430 million) and about one percent of total federal mitigation funding (out of approximately \$5.6 billion).

Due to data limitations, these numbers do not account for projects funded in 2019-20 and 2020-21 and do not include some of the largest clean energy projects that have been funded since the coming into force of the PCF. When accounting for these, overall federal funding under the PCF

for First Nations' climate action is estimated to be more than double the figure outlined above, though this does not change the proportion of funding for First Nations relative to total climate funding outlined above.

The analysis of available project-level data helped identify important trends. However, this exercise has also confirmed important limitations that currently constrain the accuracy and comprehensiveness of monitoring and reporting exercises. The committee agrees that more attention must be paid to the creation of indicators and criteria that reflect the unique realities of First Nations, uphold high standards of transparency and partnership, and benefit from the contributions of both First Nations and non-Indigenous knowledge systems.



Regional Case Stories

Matakan – First Nations leadership in Quebec



1: Image from the short film 'Along the Winisk River.'
© Daron Donahue for Human Rights Watch.

First Nations' interest and participation in renewables in Quebec has increased significantly in the past few years. Through the circuit rider program, the First Nations of Quebec and Labrador Sustainable Development Institute (FNQLSDI) has been supporting First Nations in the development of concrete renewable energy infrastructure projects that both align with traditional values, and provide increased economic and energy security, sovereignty, and educational opportunities. The Matakan project is one of several success stories of the program.

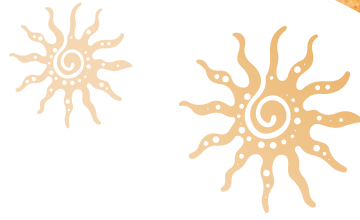
Matakan is a traditional site, located on an island near the community of Manawan, and is only accessible from May to October by boat. During this period, youth and tourists can be immersed in First Nation culture through land-based activities that facilitate the transmission of Atikamekw heritage, traditional knowledge and values. The site, which used to rely on a diesel-fueled generator, is now equipped with four solar panels to power the electrical installations of the vast majority of the site. This decision by the community of Manawan to become leaders in their transition towards renewable energy allows the Matakan site to become a top destination for eco-tourism, as well as for community members, by minimizing its impacts on the environment.



Potential solutions identified to address the most frequent limitations include:

- Standardizing the collection of data on First Nations-specific projects across departments, including with respect to recipient information, project description, and anticipated outcomes;
- Adopting a distinctions-based approach to data collection to facilitate the identification of First Nations-led projects;
- Collecting and sharing anonymized information on unsuccessful proposals, including the rationale explaining the rejection of a project;
- Stronger federal coordination and more frequent exchange of data, as to enable regular and up-to-date analyses;
- Formalizing a distinction between First Nations-led proposals, and those where they are eligible through third-party administration of funding; and,
- Collaboration with provinces and territories to capture funding for First Nations administered through federal-provincial-territorial partnerships.





The vision of First Nations Climate Leadership offers a new approach to climate monitoring and reporting in support of the transition towards flexible, nations-based funding arrangements that directly transfers resources, capacity, and authority to First Nations. JCCA members have noted that these principles must be applied to monitoring and reporting mechanisms, and that the results from the analysis of federal program data is only one of many perspectives needed to measure the implementation and success of Canada's climate plan. The inclusion of First Nations' experience and knowledge systems offers great potential for strengthening our understanding of climate outcomes, and improving practices moving forward.

In practice, this means developing a monitoring and reporting framework that is driven by partnerships and transparency, benefits from multiple ways of knowing, formalizes an active role for First Nations in governance and tracks climate outcomes at multiple levels. There is agreement that more work is needed to get to this point and develop a comprehensive knowledge base to support the improvement of program delivery and decision-making. This information will also assist the JCCA in advancing discussions on alternative funding models that invest in First Nations self-determined climate solutions.

Create spaces for an intergenerational dialogue on climate change

In the last annual report, the JCCA intended to leverage in-person meetings, including appropriate preparatory meetings, to increase the participation of Elders, youth, and women in the JCCA. While this was not possible in the context of COVID-19, the JCCA remains convinced that the representation of these perspectives is essential to remaining responsive to First Nations' realities on the ground. Commitments, such as establishing relationships with Indigenous youth climate networks and ensuring that JCCA meetings be held outside the National Capital Region and in First Nations territories, will be picked up as soon as members can safely meet in person again. As explained below, we remain committed to including a plurality of voices in our deliberations and will continue working toward this goal.



Regional Case Stories

Yunesit'in and Xenigwet'in – Dasiqox Nexwagwez'an



Photo by Russell Myers Ross Teztan Biny



*Photo courtesy of Steve Monk
Caption: Totem Pole, "Creation", gifted to the Tsilhqot'in Nation at Teztan Biny by Nuuchah Nulth Master Carver Tim Paul*

The Tsilhqot'in communities of Yunesit'in and Xenigwet'in have been actively designing the Dasiqox Nexwagwez'an initiative within the Tsilhqot'in territory. Dasiqox Nexwagwez'an is an example of an Indigenous Protected and Conserved Area and was featured as a case study in Canada's Target One Indigenous Circle of Experts' We Rise Together report. The location is particularly unique as it is buffered between and within the Aboriginal Title and Rights areas affirmed by the Tsilhqot'in Nation v. BC 2014 Supreme Court of Canada decision, and adjacent to Tsil'os, Nuntsi and Big Creek Provincial Parks.

The two communities are organizing efforts towards a Management Plan that incorporates Tsilhqot'in laws and remains Indigenous-led. In developing an alternative approach to land management, the communities are also preparing themselves to be more resilient to the threats of climate change, and to ensure food security for future generations. Key activities include building a Guardianship Program to support the communities in their connection to the land, an Indigenous Fire Management Program to improve the health of the land, and supporting cultural activities to promote Indigenous approaches to land stewardship and economy. The goal is to provide alternatives to the potentially destructive effects and imminent threats of forest harvesting and mining practices.



Our Path Forward

The past year has been important for the committee in many respects. While the COVID-19 public health situation compromised the JCCA's work plan and limited progress in some priority areas, it also shed light upon the dedication of its members in ensuring it continues to be an effective forum to guide the transition to First Nations' climate self-determination. The JCCA's experience in 2020 is an attestation to the solid foundation members have created since 2017. The strength of this partnership, along with the work undertaken in 2020, positions the committee to be an active player in climate policy and a contributor to the renewal of the First Nations-Canada partnership on climate.

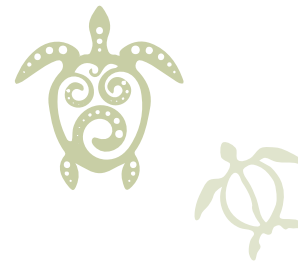
Together, the release of Canada's *A Healthy Environment and A Healthy Economy* in December 2020 and the contributions offered by the First Nations Climate Lens, introduced at the AFN National Climate Gathering as an important component of the AFN National Climate Strategy, have positioned 2021 as a crucial year for climate action.

Among other opportunities, the renewal of federal climate programs and the implementation of new climate programming under the SCP should open a window to integrate best practices identified by the JCCA. This will improve the accessibility of federal programming, while reflecting First Nations climate priorities and

promoting self-determination. Avenues for co-development identified in Canada's strengthened climate plan are also of direct relevance to the JCCA, including the creation of an agenda for the implementation of Indigenous Climate Leadership, decision-making guidance, and a framework for collaboration. Collaboration opportunities, such as the development of a National Adaptation Strategy and support for Indigenous-led climate strategies are also relevant to the JCCA's priority areas.

Action for 2021

The commitment to "position Indigenous Climate Leadership as a cornerstone of Canada's strengthened climate plan" sets a strong direction for the advancement of First Nations climate leadership. Though opportunities for regional and local First Nations involvement remain unclear at this time, First Nations members see the Indigenous Climate Leadership approach as a positive development, notably the commitment to "invest in the agency of Indigenous peoples and communities, supporting Indigenous-led and delivered solutions, equip Indigenous peoples with equitable resources, and ensure appropriate access to funding to implement self-determined climate action."



1. Advance First Nations' full and effective participation in clean growth and climate change programs, building on the Best Practices Guide.

The JCCA will support the government in ensuring that best practices for program design, engagement and implementation (Annex 2) are reflected in the strengthened climate plan. In support of these efforts, the JCCA will contribute to the co-development of guidance for decision-makers, which will ensure that Canada's climate actions advance Indigenous self-determination on climate. It will also contribute to the development of Canada's National Adaptation Strategy, and contribute to the new (or renewed) programs that provide adaptation funding for First Nations. An important component of this exercise will be confronting the barriers that prevent First Nations from full participation in federal climate action and seeking opportunities for the participation of First Nations in climate governance and at decision-making tables. Throughout this work, the JCCA will underscore the need to mainstream First Nations considerations in the design and implementation of new climate initiatives, and ensure timelines allow for meaningful engagement of First Nations.

2. Ensure Canada's climate solutions build on First Nations Climate Leadership and promote its full inclusion in emerging climate actions.

Along with the anticipated national climate strategy developed by the AFN, as well as First Nations' regional strategies, the JCCA will engage in the co-creation of an agenda for the implementation of Indigenous Climate Leadership, guidance for

decision-makers, and a framework for collaboration. In doing so, the JCCA will advise on the best ways to include First Nations regional organizations and right-holders in any proposed co-development processes. The JCCA will also provide advice on how to alleviate barriers to the advancement of First Nations Climate Leadership to ensure that all of Canada's climate plan benefit. By enhancing federal understanding of the diversity of First Nations policies, protocols, and procedures, this work will contribute to the inclusion of diverse First Nations' worldviews in climate policy, the creation of space for jointly developed climate solutions, and to amplification of existing First Nations solutions in the national dialogue on climate change. For First Nations, the collective response to climate change must be multidimensional, interconnected, and interrelated, recognizing that a healthy environment is intertwined with all parts of life.

3. Promote the meaningful participation of First Nations in the carbon pollution pricing system.

Carbon pollution pricing remains an important foundation of Canada's climate plan, though it remains unclear exactly how First Nations' ongoing concerns will be addressed. Planned discussions with First Nations in early 2021 and the report on First Nations and Carbon Pollution Pricing will provide important insight as the government considers the path forward on carbon pricing after 2022. While there are opportunities to ensure First Nations are partners in the co-development of programming for the return of Fuel charge proceeds in jurisdictions where the federal backstop applies, concerns remain about the other elements of the carbon pricing regime.



First Nations members have noted that the federal benchmark criteria must incorporate their perspectives, including to ensure access to funding in provincial and territorial systems. Recognizing regionally distinct circumstances, the JCCA will continue to seek opportunities to engage in discussions about the consistency of carbon pollution pricing for First Nations across all jurisdictions.

4. Monitor progress on First Nations Climate Leadership and the full and effective participation of First Nations in climate change programs.

Building on the analysis of available project-level data completed in 2020, the JCCA will work to improve the accuracy and comprehensiveness of monitoring and reporting exercises. To this end, the Committee will spearhead the development of indicators and criteria that reflect the unique realities of First Nations and benefit from the contributions of both First Nations and non-Indigenous knowledge systems. This work will support the co-development of an agenda for the implementation of Indigenous Climate Leadership. It will also help monitor the participation of First Nations in federal climate action, support for First Nations' climate priorities, and assess Canada's climate actions from the perspectives of First Nations knowledge systems.

The work of the JCCA continues to develop in a positive direction, consistent with the mandates given by the Chiefs-in-Assembly and federal Ministers. First Nations members and federal officials recognize that achieving true reconciliation in the context of climate change will require sustained efforts, and both acknowledge in good faith the ongoing challenges identified throughout the report. Through cooperation, respect, and mutual understanding, First Nations and federal representatives commit to taking transformative action in addressing the climate crisis, seeking to exceed current 2030 targets and develop a plan to achieve net-zero emissions by 2050. The JCCA remains committed to supporting First Nations as climate leaders, ensuring their full and effective participation in the PCF, SCP and other climate-related activities.

5. Foster intergenerational and intersectional dialogue on climate change.

The JCCA is committed to building opportunities to include the voices of youth, women, and Elders in its work. This year, it also added the concept of intersectionality – that is, how specific combinations of factors shape their own social position and thus affect experiences of power, oppression and vulnerability – incorporate the lived reality of First Nations, looking to find ways to understand and approach multiple, intersecting experiences that shape how impacts will be distributed and experienced. This draws on the lessons of the First Nations Climate Lens and Canada's commitment to gender-based analysis. As the Committee gains experience working in the virtual arena and develops advice on the equitable and intersectional inclusion of First Nations rights- and title- holders in co-development initiatives, it will find and implement solutions to strengthen these important voices.

Regional Case Stories

Onion Lake Cree Nation – Advancing nêhiyâw mîcôwîn kahkîymîkôsiyahk: Cree Foods Gifted by Creator:



Federation on Sovereign Indigenous Nations (FSIN) partnered with Onion Lake Cree Nation and other experts to develop nehiyaw micowin kahkiymikosiyahk: Cree Foods Gifted by Creator, an exploration of Indigenous Peoples working towards food sovereignty and security. While there was a significant amount of diversity in the topics discussed, a common theme was the impacts of climate change on their food systems, the importance of learning and teaching land-based skills, and the desire to bring health and healing back to the community. Through the sharing of stories, they hope that others will be inspired to take action in revitalizing Indigenous food systems and building resilience in the face of a changing climate.

Annex 1: Elders' Statement of the Assembly of First Nations' Advisory Committee on Climate Action and the Environment

We, as First Nations people declare, consistent with the AFN Charter, Mother Earth Accord, and the United Nations Declaration on the Rights of Indigenous Peoples:

First Nations peoples are in a unique position to be leaders in climate change initiatives because of our knowledge of the sacred teachings of the land, and must be situated as agents of change in climate action, rather than as passive recipients of climate change impacts;

The Creator gave us the responsibility to preserve and protect Mother Earth and laws that govern all our relationships for us to coexist interdependently with nature and humanity, defining our rights, responsibilities, and obligations to the land as men and women;

The Creator gave us our spiritual beliefs, languages, cultures, freedom, and a place on Mother Earth to provide us with all our needs; Mother Earth is in a climate crisis. We therefore insist on an immediate end to the destruction and desecration of the sacred elements of life based on the human obligation to care for the land and for future generations;

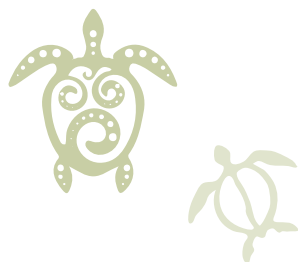
With our spiritual laws, practices, experiences and relationships with our lands and territories, First Nations peoples have a vital role in defending and healing Mother Earth. This is our obligation;

The unbreakable and sacred connection of land, air, water, sun, plants, animals, and our human communities is the material and spiritual basis for our existence;

The impacts of climate change now transcend our lands and territories, requiring free, prior, and informed consent among First Nations peoples to protect Mother Earth for future generations.

October 28th, 2016

Fort St John, British Columbia



Annex 2: Best Practices for Federal Departments Working with First Nations on Climate Change (2020)

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Introduction

First Nations – Canada Joint Committee on Climate Action History

In December 2016, the Prime Minister and the National Chief of the Assembly of First Nations (AFN) jointly recommended that Canada and the AFN establish the JCCA as a unique, senior-level table where federal officials and First Nations representatives convene as equals to discuss the implementation of the Pan-Canadian Framework and broader First Nations-led climate priorities. The JCCA has also worked to position First Nations as active drivers and agents of change, contributing knowledge, experience, and leadership vital to understanding and building climate resilience in Canada.

The JCCA is comprised of national and regional First Nations representatives and Government of Canada senior officials (Director to ADM level) across multiple departments responsible for implementing clean growth and climate changes programs and policies. Collectively, the JCCA brings considerable experience and diverse expertise related to the development and implementation of federal climate-related programs and policies; First Nations climate action and priorities; and building partnerships between First Nations and the Government of Canada, which serve as the basis for the recommendations in this document.

Challenges to First Nations' participation in federal climate actions

The Pan-Canadian Framework on Clean Growth and Climate Change (PCF) is consistent with, and builds on, Canada's commitment in the Paris Agreement that it would recognize and respect the rights of First Nations in taking action to address climate change. The best practices and approaches outlined in this document reflect the need for federal policies, programs, and practices to evolve alongside the co-development of a new fiscal relationship between the Government of Canada and First Nations as well as reflect the Government's focus on re-building a nation-to-nation relationship.

Over the last 2 years of collaboration, First Nation representatives and federal officials have identified challenges and barriers that limit the advancement of First Nations' climate leadership and make it difficult for First Nations to participate in Canada's transition to a low carbon economy, including the transition to net-zero emissions, and address the compounding impacts of climate change on their Nations.

The main barriers limiting immediate access to, and participation in, climate change and clean growth federal programs include:

- limited opportunities for First Nations to participate throughout various stages of policy development and implementation (e.g. via engagement or other collaborative arrangements);
- limited opportunities for First Nations to contribute to decision-making;
- underfunding of current programs targeting First Nations;
- inflexible (niche) program mandates and narrow eligible investment categories that do not necessarily reflect First Nations climate priorities;

- rigid funding arrangements, including significant allocations through provinces and territories;
- short application deadlines and unrealistic application requirements;
- unmalleable program parameters, requirements and timelines;
- administrative and reporting burdens, with excessive focus on compliance rather than results;
- limited engagement with First Nation proponents and/or recipients; and
- lack of capacity or resources to support proponents and/or recipients.

Limited opportunities for First Nations to participate in policy and program development, decision-making, and program implementation also present challenges to First Nations' effective and meaningful involvement in the implementation of the PCF.

First Nations' Climate Leadership – A vision of self-determined climate action

First Nations have been leaders on adaptation, mitigation, and living reciprocally with Mother Earth for thousands of years. The climate crisis requires immediate, transformative action build on meaningful partnerships and the safeguarding and recognition of First Nations governance, rights, and leadership. The climate crisis impacts First Nations in a multi-faceted manner, requiring a holistic, multi-dimensional, and interconnected response. Actively building and supporting First Nations' leadership and agency on climate change supports their goals of self-determination, including in the areas of funding, action, and other co-benefits.

An important component of this approach is to move away from framing First Nations through a lens of vulnerability, which has marginalized First Nations leadership and self-determination in the

past. The JCCA has positioned First Nations as active drivers and agents of change, contributing knowledge, experience, and leadership vital to understanding and building climate resilience in Canada. This framing is integral to ensuring equitable participation and reciprocal dialogue between Federal and First Nation representatives on the JCCA.

In practice, this means exploring in partnership with First Nations whether and how climate initiatives could contribute to transitioning towards greater First Nations self-determination and climate leadership, including through alternative funding models and devolution of decision-making where appropriate. Such an approach recognizes that First Nations climate leadership requires a new paradigm in how climate action is funded and managed, and involves a shift towards flexible, nations-based funding arrangements that directly transfers resources, capacity, and authority to First Nations.

Best Practices for Meaningful Engagement with First Nations

1. Establish longer-term, more human relationships with First Nations

Conventional mechanisms relied upon by government officials to engage with external partners are not always appropriate in a First Nations context. Approaching engagement on an ad hoc, project-specific basis with a closed window for comments is not conducive to the meaningful involvement of First Nations partners, does not reflect the principle of a nation-to-nation relationship, and often results in ineffective engagement as First Nation partners may not have the resources, time or prior contextual knowledge to effectively participate in the engagement process.

Recommended approaches include the following:

- Identify durable, accessible points of contact on substantive matters that can interact with First Nations at their requests and on an informal basis;
- Dedicate meetings with First Nations for meet-and-greets and provide general contextual awareness. As appropriate, this means substantive discussions may need to take place in subsequent meetings;
- Prioritize bilateral, informal conversations over generic calls for proposals and written submissions; and,
- Ensure engagement activities are clearly positioned within the larger Canadian climate landscape, take into account feedback already provided by First Nations on similar initiatives, and build on information that is already available (e.g. published material from First Nations climate organizations and peer-reviewed journals).
- Engage in cultural awareness and safety programs for any federal official working with First Nations.

2. Engage with First Nations as early as possible

A move away from a conventional model of policy-making (i.e. developed within the four walls of a federal department) is essential to cultivate 'nation-to-nation' relationships with First Nations in the development and design of policies and programs. As such, federal departments are encouraged to reach out at the earliest stages of the creation of a policy or program and discuss with First Nation partners their priorities, challenges, and ideas for solutions.

This helps to determine whether the creation of a new program would address existing gaps, provide meaningful outcomes for First Nations, avoid duplicating existing programming, and contribute to reducing the number of funding niches First Nations must navigate to move a project forward.

Recommended approaches include the following:

- Launch engagement with First Nations at the earliest stages of policy-making (e.g. as appropriate, this includes during the foundational research stage, which may inform the development of a Memorandum to Cabinet and the publication of draft regulations and legislations);
- Provide First Nations partners with a clear understanding of the mandate of federal officials and the principles of Cabinet decision-making, solidarity, and confidentiality they uphold, including any limitation these entail for collaborative development processes;
- Provide background information, discussion points and any other relevant documentation to First Nations as early as possible to promote informed conversations. This means ensuring that the information is received in advance, and that it provides a clear understanding of the purpose of the engagement, the direct outcomes and the anticipated long-term goals. Often, information is relayed without sufficient time for review or discussion amongst First Nations; and,
- Leverage and draw linkages with existing relationships between the Government of Canada and First Nations to initiate or support engagement activities, including:
 - o The First Nations – Canada Joint Committee on Climate Action;
 - o The Permanent Bilateral Mechanism

- o Bilateral relationships with regional First Nations representatives, including Political Treaty Organizations, self-governing First Nations, and other First Nations organizations; and,
 - o Other pre-existing relationships and governance structures, which the JCCA secretariat can help identify
- Ensure that engagement efforts also foster deep relations with First Nations rights-holders

3. Operationalize the concept of Ethical Space in all activities conducted with First Nations

Ethical Space is an approach to weaving Indigenous and Western knowledge and communication systems together. Elder Dr. Reginald Crowshoe described this concept as a space where “traditional oral practices and Western written practices are paralleled, leveraging the strengths of the respective processes to co-create a safe place to design, develop, validate and work together in harmony, bridging the gap between cultures and activating meaningful reconciliation. For the JCCA, this is framed by a joint recognition of First Nations Treaties, agreements and other constructive arrangements; recognizing the application of UNDRIP, and acknowledging the Truth and Reconciliations Commission’s Call-to-Action, Canada’s Constitution, and Canadian jurisprudence. An Ethical Space also demands that JCCA members are dedicated to strengthening relationships among themselves, and developing a better understanding of the traditions, conventions, and structures that influence the work of the JCCA.

The JCCA is working to operationalize the concept of Ethical Space within all their activities. In doing this, they have developed a list of Guiding Principles to inform how to cultivate good relations between federal and First Nation representatives:

- **Rights-based approach:** Recognizing that all Canadians, including First Nations, have rights related to a healthy environment, and recognizing First Nations have specific rights related to the environment, including lands and waters, as represented through rights under the Canadian Constitution, jurisprudence and Treaties, Agreements and other Constructive Arrangements. Collaborative arrangements, including the JCCA, do not replace or alleviate the Crown of its duty to consult First Nations at a local, regional and national level on issues related to climate change.
- **Trust and kindness:** Relationships should be developed in a dynamic way, through demonstrated implementation of Indigenous knowledge as described in advice, recommendations and Indigenous protocols. Participants should work towards and maintain respectful, positive, transparent, and cooperative relationships to achieve shared goals and collective commitments. Relationships require all parties to be transparent about their objectives and limitations, decide which areas they want to provide advice towards, and identify which issues require cross validation. Best practices and protocols may be developed as the relationships are developed.
- **Mutual respect and fairness:** Indigenous knowledge should be integrated as an equal to written knowledge systems. Ceremony, song and dialogue throughout a shared journey is an effective means of cross-validating respective systems of knowledge. Fairness is essential in ensuring that we achieve equity between knowledge systems and that we are even able to get to sharing in a good and appropriate fashion.

- **Good faith and honesty:** Parties should enter into Ethical Space with an attention to practice honest and clear communication, in order to cultivate a positive relationship. In being honest, it is important to leave roles and responsibilities at the door, and seek to understand the concept of cultural translation and cultural interpretation of things we want to joint-develop. Members commit to sharing documents in a manner that allows adequate preparation and are presented on a without prejudice basis. Government officials should provide First Nations partners with a clear understanding of their roles and responsibilities, including the boundaries of such roles and responsibilities, as well as the larger governmental process in which engagement takes place.
- **Joint-development:** Federal and First Nations members should commit to jointly developing real and meaningful approaches for First Nations that position them as leaders of climate action, with clear timelines, objectives, and reporting in support of the PCF and other climate change activities. Transformative change happens when we come together in the safety of ethical spaces to have discussions and joint-develop solutions.

4. Adopt a distinction-basis throughout engagement activities

Consistent with a renewed Nation-to-Nation relationship, and in recognition of the unique circumstances of First Nations and the disproportionate impacts of climate change that they experience, distinctions-based approaches should be developed and integrated in all engagement activities. This entails a distinct engagement process for First Nations – the outcomes of which are not generalizable to Métis and Inuit.

Distinction-based approaches facilitate the alignment climate activities with First Nations' priorities, help establish constructive, long-term relationships, and facilitate First Nations' effective participation in federal climate action.

Engagement initiatives supporting program, policy, regulatory or legislative development should adopt a distinctions-based approach to reflect the heterogeneity of contexts in which they operate, including various jurisdictional realities, worldviews and governance structures.

Recommended approaches include the following:

- Ensure teams developing programs and policies receive distinctions-based cultural competency training, including the courses available through the Canada School of Public Service at a minimum;
- Ensure officials involved in the development of programs, policies, regulations, and legislations have regular opportunities to meet, exchange, and learn from First Nations partners;
- Plan for additional resources, time and personnel commitment during the engagement process to enable distinction-based approaches;
- Establish distinct communication channels with First Nations, Inuit and Métis partners; and,
- Reflect the three distinctions in discussion papers, concept notes and other forms of external facing publications, as well as briefings to senior management.

5. Determine the right scope of engagement and ensure modes of collaboration align with the preference of First Nation partners

A starting point for determining the scope of engagement and collaboration with First Nations partners is building an understanding of existing priorities raised by First Nations, potential barriers to meaningful engagement, and alignment with current and past engagements with First Nations partners. The second step is to reach out directly and ask whether an area of work aligns with their self-determination efforts.

Recommended approaches include the following:

- Review local, regional, and national priorities and perspectives on climate change raised through formal First Nations governance structures, including Resolutions of regional and national Chiefs-in-Assembly, and frame engagement within existing First Nations priorities for action;
- Assess existing federal engagement processes with First Nations partners to ensure that new engagement initiatives are not overlapping or duplicative of current or past engagements on climate-related issues;
- Recognize regional gaps in capacity to meaningfully engage and ensure that more time- or resource-intensive engagement with First Nations partners is supplemented with capacity-building initiatives to enable meaningful participation of First Nations;

6. Ensure engagement leads to meaningful outcomes

From the perspectives of both First Nations and government officials, achieving meaningful engagement is a long and resource-intensive process and is not an outcome in itself.

In recognition of the competing priorities First Nations must address on a daily basis with limited resources, any engagement activity should be outcome-oriented and aim at enabling substantive and incremental changes to program, policy, regulation, or legislation.

Engagement should be considered as a means to an end, which in the context of climate change is about rebuilding the Government's nation-to-nation relationship with First Nations, advancing First Nations climate leadership, better integrating the multi-dimensional nature of climate in climate actions, and addressing the climate crisis. All these objectives transcend individual climate initiatives and require the establishment of long-term and outcome-oriented relationships.

Recommended approaches include the following:

- Avoid limiting engagement objectives to information sharing;
- Confirm whether and how engagement can support progress in First Nations' climate-related priorities areas;
- Explore deeper forms of engagement, including joint development of programs, policies, and budget proposals, targeted workshop discussions, First Nations participation to existing governance structures, and creation of new joint governance mechanisms; and,
- Provide financial support to First Nations partners to support their participation in engagement processes and address capacity gaps.
- Ensure adequate resources and staffing for government officials to meaningfully engage with First Nation partners, balanced with the need for equitable, long-term funding to build First Nations capacity.

7. Create decision-making and engagement opportunities throughout the lifespan of the initiative

Many implementation and governance challenges and barriers can be identified and mitigated through ongoing partnership with First Nations partners. Building relationships through early and frequent communication throughout the program and project implementation cycles is essential to avoid, where possible, such barriers.

Recommended approaches include the following:

- Embed funding in policies and programs to support First Nations' capacity to participate in the governance of climate initiatives on an ongoing basis;
- Revisit governance structures to enable ongoing engagement with First Nations, for example by institutionalizing a First Nations Advisory Body. Advisory Bodies have increasingly been used to support the long-term participation and engagement of First Nations, from development to implementation. The terms of reference of these bodies should be jointly designed, provide direct input and decisions into the system, and be connected to other decision-making bodies
- Engagement activities should explicitly identify the linkages with decision points and create spaces for First Nations to be heard directly by the ultimate decision makers, whether through subcommittees or otherwise; and,
- First Nations' participation on multi-stakeholder governance bodies should be supplemented with dedicated, First Nations-specific channels to avoid the risk of tokenization;

8. Make room for First Nations' knowledge systems and legal orders in engagement and governance structures

Partnership should endeavour to create a place for knowledge systems to interact with mutual respect, kindness, generosity and other basic values and principles. All knowledge systems are equal; no single system has more weight or legitimacy than another. In doing this, officials should not seek to integrate First Nations knowledge systems directly into federal climate policy and program development where one system needs to "corroborate" the other to achieve internal validity. Instead, policy and program development should seek to institutionalize opportunities for First Nations governance and federal governance to come together to engage in joint policy development and decision-making.

- Consider the adoption of Ownership, Control, Access and Possession (OCAP®) principles, including in partnership with the First Nations Information Governance Centre.
- Go beyond engagement and foster First Nations-led knowledge production infrastructure to help generate information (e.g. through support for First Nations-led research and advices).
- Enable the expression of First Nations knowledge systems through the active, free, renewed, and equal participation of First Nation representatives in policy and program deliberations. First Nations knowledge systems are inseparable from First Nations individuals.
- Provide First Nations with resources and agency to establish governance structures that reflect their socio-cultural traditions.

Best Practices for Program Design and Implementation

The principles in this Best Practices Guide were developed in partnership between First Nations representatives and federal officials at the JCCA in 2018.

1. Program design and parameters should be flexible and accommodating

Specific and unique needs of First Nations proponents need to be addressed through carefully considered program objectives and design. This includes terms and conditions that provide: flexible, outcomes-based eligible investment criteria; or more accommodating funding arrangements, which provide predictable, longer-term funding and better risk management.

- **Recognize jurisdictional gaps that limit or exclude participation of First Nation proponents.** Federal funding allocated to provincial or territorial governments should include objectives to support projects led by First Nations. Acknowledge expectations for eligibility that accurately reflect how First Nations will access funding (i.e., instructions to the province or territory that an appropriate portion is to be allocated to Indigenous groups within that jurisdiction).
- **Adopt a comprehensive approach that values or prioritizes projects that support multiple outcomes, and/or deliver co-benefits.** Support capacity-building outcomes and investments, such as in training, skills development and knowledge dissemination.
- **Adjust eligibility criteria to identify funding for rural and remote communities** across Canada and avoid North/South of 60 approaches that limit access to funding for northern communities south of 60.
- **Support project bundling** for communities seeking to implement activities regionally.

- **Avoid community readiness** as a precondition for funding.
- **Incorporate guidelines** for long-term, predictable funding. Treasury Board Secretariat's 2008 Directive on Transfer Payments (Appendix H/K) offers directives on how to reallocate funding across cost categories and enables funding flexibility.
- **Consider dedicating** resources to support engagement and capacity building within First Nations.
- **Recognize limited ability of First Nations to secure funding.** Where possible, federal programs should leverage complementary sources of funding and seek co-funding opportunities with other departments.
- **Standardize federal cost-share and stacking provisions for First Nations proponents across programs.** Remove funding floors and stacking limits, where possible.

2. Program application process should enable engagement and include First Nations in decision making

Federal programs should acknowledge the varying capacity of First Nations proponents to submit applications, or to develop robust proposals.

- **Provide early and on-going engagement opportunities.** This includes sharing information about calls for proposals, application timelines and assessment criteria as early as possible.
- **Offer support throughout the application process** and work with potential applicants to increase capacity and develop proposals or build projects, where appropriate or needed.
- **Present opportunities to participate in project selection.** Consider First Nations participation on project selection committees.

3. First Nations should be involved in program implementation

Many implementation challenges and barriers can be identified and mitigated through ongoing engagement with First Nation partners. Building relationships through early and frequent communication throughout the program and project implementation cycles will ensure success.

4. Flexible and accommodating program implementation processes

Departmental guidelines and policies often present administrative burdens for First Nation recipients. Risk-based approaches should be adjusted to accommodate and provide more appropriate risk responses.

- Delivering on multiple outcomes, including delivery of co-benefits such as support for capacity-building, training, skills development and knowledge dissemination. Flexibility to adjust the scope of projects will help ensure unforeseen on the ground challenges do not effectively end a project.
- Acknowledge realities of northern, rural or isolated communities, including risks beyond the recipients' control (e.g., weather delays, transportation constraints, etc.). Processes or service standards should align to mitigate burdens or accommodate as appropriate.
- Multi-year funding arrangements should be considered to allow flexibility for re-profiling funding as a risk response.

- Adjust requirements for reporting, audit, and evaluation, to ensure appropriate project oversight focused on outcomes, but without contributing to the administrative burden of Indigenous recipients with limited administrative capacity.

5. Jointly-develop policy and program indicators and evaluation metrics

It is essential to develop First Nations-specific indicators / criteria to report on the implementation of climate-related federal funding programs and outcomes for First Nations. This would support the exploration of alternative funding models and investments in First Nations self-determined climate solutions. This also includes meaningful processes and policies to ensure project data and results are made available to First Nations in an appropriate format and ongoing basis.