



Assembly of First Nations (AFN) Environment Sector Webinar Series

Bill C-226: Development of a National Justice Strategy Background - Introduction and Overview

October 28, 2024

Bill C-226: Development of a National Justice Strategy Background Introduction and Overview October 28, 2024

This document has been prepared for information purposes to set the stage for the Assembly of First Nations' Right to a Healthy Environment webinar series. First Nations' participation in the webinars does not constitute consultation nor fulfilment of the Crown's duty to consult and accommodate with First Nations and should not be constructed as such.

Background

On June 20, 2024, the Government of Canada passed Bill C-226, an *Act Respecting the Development of a National Strategy to Assess, Prevent, and Address Environmental Racism and to Advance Environmental Justice*. In the preamble, the Government of Canada recognizes the need to advance environmental justice across Canada and the importance of continuing to work towards eliminating racism and racial discrimination in all their forms and manifestation.¹ With the enactment of Bill C-226, the Government of Canada is now required to publish a national strategy that addresses environmental racism and advances environmental justice. First Nations participation was prominent throughout the parliamentary process, with representatives from Tsleil-Waututh First Nation and Aamjiwnaang First Nation appearing in committee.

To develop the strategy, Environment and Climate Change Canada (ECCC) must conduct a study and consult any interested person, community, or organization. Engagements have now begun as part of the two-year process for developing a national strategy.

Bill C-226: *National Strategy Respecting Environmental Racism and Environmental Justice Act*

The *Act Respecting the Development of a National Strategy to Assess, Prevent, and Address Environmental Racism and to Advance Environmental Justice* (Bill C-226)² received Royal Assent on June 20, 2024. From the day of enactment, the Minister of Environment has two years to develop and table a national strategy that assesses, prevents, and addresses environmental racism and advances environmental justice. The *National Strategy Respecting Environmental Racism and Environmental Justice Act* is the first piece of legislation of its kind. In Canada, there is not a universally agreed definition of environmental racism or environmental justice.

¹ LegisInfo; Bill C-226 an Act Respecting the Development of a National Strategy to Assess, Prevent, and Address Environmental Racism and to Advance Environmental Justice

² LegisInfo; Bill C-226 an Act Respecting the Development of a National Strategy to Assess, Prevent, and Address Environmental Racism and to Advance Environmental Justice



Assembly of First Nations (AFN) Environment Sector Webinar Series

Bill C-226: Development of a National Justice Strategy Background - Introduction and Overview

October 28, 2024

The National Strategy Respecting Environmental Racism and Environmental Justice Act outlines two kinds of requirements to be integrated into the development process and the strategy; consultation and content.

Consultation:	In the development of the strategy the Minister must consult or cooperate with any interested person, bodies, organization, or community; Including other Ministers, Government representatives, and Indigenous communities; and It is to be consistent with the Government of Canada's framework for the recognition and implementation of the rights of Indigenous peoples. ³
---------------	--

There are two requirements for content.

Study:	The strategy must include a study; The study is to be an examination of the link between race, socio-economic status, and environmental risk; including Information and statistics relating to the location of environmental hazards. ⁴
Measures to be taken:	Measures that can be taken to advance environmental justice and assess, prevent and address environmental racism; and include Possible amendments to federal laws, policies and programs; Involvement of community groups in environmental policymaking; Compensation for individuals or communities; and The collection of information and statistics relating to health outcomes in communities located in proximity to environmental hazards. ⁵

The day after the Act comes into effect, the Minister of Environment must table the strategy within two years. Every five years, the Minister is required to prepare a report on the effectiveness of the strategy. The bill also states that the Minister is to consult with the groups referred to in the consultation deliverable for the report.

ECCC Environmental Justice Symposium

On September 13 and 14, ECCC held an Environmental Justice Symposium. This two-day event featured insights from Indigenous Peoples, experts, youth, and community members on environmental racism and justice. Minister of Environment and Climate Change Steven Guilbeault provided opening remarks, emphasizing the importance of cross-party support for the bill and its historic significance. An elder from Aamjiwnaang First Nation was also present and spoke about the ongoing environmental racism faced by the community. The symposium marked the beginning of engagements to be held in developing the strategy.

3 Bill C-226: National Strategy Respecting Environmental Racism and Environmental Justice Act

4 Bill C-226: National Strategy Respecting Environmental Racism and Environmental Justice Act

5 Bill C-226: National Strategy Respecting Environmental Racism and Environmental Justice Act



Assembly of First Nations (AFN) Environment Sector Webinar Series

Bill C-226: Development of a National Justice Strategy Background - Introduction and Overview

October 28, 2024

Environmental Justice Internationally

There are no current UN resolutions on environmental justice, although the topic is being discussed and studied. With no universally accepted definition of environmental racism, addressing this issue is more complex. The United Nations Development Programme (UNDP) has published an [Technical Paper](#) outlining its strategy for engaging with environmental justice.⁶ The paper conceptualizes how the current environmental crisis infringes on human rights, outlines responses to promote environmental justice, and describes the UNDP's efforts to address environmental racism.

On March 29, 2023, the United Nations General Assembly (UNGA) adopted resolution A/77/L.58, *Request for an Advisory Opinion of the International Court of Justice on the Obligations of States in Respect of Climate Change*.⁷ Although the resolution is not specifically focused on environmental justice, its language addresses environmental racism.

Emphasizing	<i>the importance of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the United Nations Convention on the Law of the Sea, the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer, the Convention on Biological Diversity and the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, among other instruments, and of the relevant principles and relevant obligations of customary international law, including those reflected in the Declaration of the United Nations Conference on the Human Environment and the Rio Declaration on Environment and Development, to the conduct of States over time in relation to activities that contribute to climate change and its adverse effects,</i>
Recalling	<i>that the United Nations Framework Convention on Climate Change and the Paris Agreement will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances,</i>
Acknowledging	<i>that, as temperatures rise, impacts from climate and weather extremes, as well as slow-onset events, will pose an ever-greater social, cultural, economic and environmental threat⁸</i>

Different UN bodies and countries are starting to create more policies and legislation on environmental justice,

⁶ United Nation Development Programme: Environmental Justice: Securing Our Right to a Clean, Healthy and Sustainable Environment

⁷ International Court of Justice: Request by the General Assembly for an advisory opinion of the Court (documents received from the Secretariat of the United Nations)

⁸ International Court of Justice: Request by the General Assembly for an advisory opinion of the Court (documents received from the Secretariat of the United Nations)



Assembly of First Nations (AFN) Environment Sector Webinar Series

Bill C-226: Development of a National Justice Strategy Backgrounder - Introduction and Overview

October 28, 2024

but it is still a very new concept. The more policies and legislation created will produce a precedent for more countries to follow.

Environmental justice is integral to environmental rights, but with there being no universal definition, and environmental justice being a broad concept having to look at social justice movements that are impacted by environmental crises. There is an obligation to ensure that environmental justice is studied thoroughly to be properly integrated into environmental policy, so no one is left behind.