



**ANNUAL GENERAL ASSEMBLY**  
July 9, 10, 11, 2024, Montreal, QC

**Resolution no. 28/2024**

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**TITLE:** Participation of First Nations in the development of an international, legally-binding Plastics Treaty

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**SUBJECT:** Environmental Health, Climate Change, International

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**MOVED BY:** Chief Byron Louis, Okanagan Indian Band, BC

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**SECONDED BY:** Judy Wilson, Proxy, Osoyoos Indian Band, BC

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**DECISION** Carried by consensus.

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**WHEREAS:**

**A.** The *United Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:

- i. 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.
- ii. 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.
- iii. 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.
- iv. Article 29: Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programs for Indigenous peoples for such conservation and protections, without discrimination.
- v. Article 41: The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance.

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*C. Woodhouse*

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Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

- B. The Assembly of First Nations (AFN) has passed several resolutions related to the concerns that First Nations have with respect to chemical and plastic pollution, including Resolution 25/2016, *Support for Grassy Narrows and Other Mercury Impacted Communities*, and Resolution 07/2017, *Sulphur Contaminant Air Emissions from Petroleum Refineries near Aamjiwnaang First Nation*.
- C. Aamjiwnaang First Nation is situated in the epicenter of Canada's "chemical valley" where 40 percent of Canada's chemical industry is located. This cluster of refineries is where oil is processed into gasoline and other chemicals, including those used to make plastics. Dangerously high air pollution levels are regular occurrences.
- D. In March 2022, the United Nations Environment Assembly adopted a historic resolution (resolution 5/14) to develop an international legally binding agreement on plastic pollution by the end of 2024.
- E. To date, four of the five planned negotiations, also known as Intergovernmental Negotiating Committee (INC) meetings, have taken place, with the most recent occurring in Ottawa, Canada from April 23 – 29, 2024 (INC-4). A final meeting (INC-5) is planned in Busan, South Korea at the end of 2024.
- F. As delegates prepared for the plastics treaty negotiations, Aamjiwnaang First Nation Chief and Council issued an alert to the community warning of high levels of benzene, a chemical used in the production of plastics that is known to cause cancer and increase respiratory illnesses.
- G. Several weeks after the Ottawa meeting, because of advocacy from Aamjiwnaang First Nation leadership, on May 21, 2024, the Minister of Environment and Climate Change Canada issued a two-year *Interim Order Respecting Releases of Benzene from Petrochemical Facilities in Samia, Ontario* under subsection 94(1) of the *Canadian Environmental Protection Act, 1999*.
- H. Across Turtle Island and around the world, Indigenous Peoples are leading efforts to pressure governments to urgently regulate plastic production, usage, and disposal. For example, at INC-4 in Ottawa, spokespeople from Aamjiwnaang First Nation, the Society of Native Nations, and Keepers of the Water participated in a press conference highlighting the disproportionate impacts of plastics pollution on First Nations across Turtle Island.
- I. Without new and effective control measures, plastic production is set to double in 20 years and plastic waste leaking into the ocean is projected to triple by 2040. This growth in production also has significant implications for environmental health and climate action, as 99% of plastics are derived from fossil fuels.
- J. Microplastics are fragments of plastics that are less than 5mm in size. Microplastics can be generated from the breakdown of any plastic debris, and also produced in the form of microbeads (manufactured polyethylene plastic) that are often added to healthcare products as exfoliants (e.g. cleansers and toothpastes). Due to their tiny size, microplastics easily pass through water filtration systems and end up in our terrestrial and aquatic ecosystems. They have also been found in human bodies including key organs, blood, brain tissue, placentas, and fetal fluids, threatening the health of new mothers, pregnant people, and their unborn children.

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**THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:**

1. Call on the Intergovernmental Negotiation Committee, in the development of an international, legally-binding Plastics Treaty, to:
  - a. Protect First Nations' Inherent rights, Treaties, Title and jurisdiction, and recognize First Nations Inherent and everlasting responsibilities to our traditional territories.
  - b. Include mechanisms to promote the meaningful, sustained, and visible inclusion of Indigenous Peoples and voices, including through the Indigenous Peoples Caucus;
  - c. Effectively advocate for the rights, interests, and contributions of all Indigenous Peoples;
  - d. Acknowledge the distinct status and rights of First Nations, as distinct from local communities, vulnerable groups, and ethnic minorities, in line with the minimum standards reaffirmed in the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration).
  - e. Ensure the ethical and equitable engagement of Indigenous Knowledge in the regulation of plastics and associated pollutants; and
  - f. Draw on insights and experiences gathered from Indigenous Peoples leadership in international fora.
2. Direct the Assembly of First Nations (AFN) to advocate, in partnership with rights and title holders, for appropriate consideration of First Nations rights, knowledge systems, and participation in the negotiation of an international and legally-binding Plastics Treaty.
3. Direct the AFN to work with First Nations rights and title holders to advocate to the national and international governments for sufficient and sustainable funding to First Nations to participate actively in the negotiation and implementation of an international and legally binding Plastics Treaty.
4. Direct the AFN to advocate for First Nations involvement, both domestically and internationally, in all actions, including by federal, provincial, and territorial governments, to address the plastics crisis.
5. Call on the Government of Canada to ensure that First Nations are involved in all aspects of plastics regulation, both in Canada and internationally, in a manner that promotes and respects First Nations Inherent, Treaty and constitutionally-protected rights, along with adequate funding, consistent with the UN Declaration.

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