



ASSEMBLY OF FIRST NATIONS  
**Special Chiefs Assembly**

December 5-7, 2023

Shaw Centre – Ottawa, Ontario

*Ottawa is located on the unceded unsundered Territory of the Algonquin People.*

ASSEMBLÉE DES PREMIÈRES NATIONS  
**Assemblée extraordinaire des Chefs**

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## Environment

### History

In 2019, First Nations-in-Assembly passed Resolution 05/2019, *Declaring a First Nations Climate Emergency*. That resolution formally recognized that we are in a global climate emergency. The AFN continues its work to address these crises while recognizing and respecting First Nations' Inherent rights, title, jurisdiction, and self-determination. The AFN progresses this work with the understanding that First Nations are critical drivers in healing the relationship with and fulfilling our responsibilities to Mother Earth.

### AFN's recent advocacy

The AFN receives its mandates from First Nations-in-Assembly and guidance from the Advisory Committee on Climate Action and the Environment (ACE). Through these mandates, the AFN continues to advocate for the recognition of the voices, culture, knowledge systems and leadership of First Nations as caretakers and stewards of the lands, water, and ice. This work includes advancing four distinct but overlapping program areas: Climate Action, Conservation and Biodiversity, Environmental Health, and Impact Assessment.

### CLIMATE ACTION

In July 2023, First Nations-in-Assembly passed Resolution 36/2023, *Urgent and Transformative Climate Action through the AFN National Climate Strategy*, endorsing the AFN National Climate Strategy and reaffirming the declaration of a First Nations Climate Emergency from Resolution 05/2019. Launched on October 18, 2023, the AFN National Climate Strategy contains seven priority areas, along with 108 strategies and actions. AFN is developing an implementation plan with First Nations rights and titleholders and ACE.

The Joint Committee on Climate Action (JCCA) has continued its efforts to advance First Nations priorities and interests in various federal climate policy processes. To explore new opportunities to enhance effectiveness, the JCCA is currently conducting a review exercise on its progress. Finally, the JCCA has begun the process of developing its 2023 Annual Report to the National Chief and Prime Minister.

On the First Nations Climate Leadership Agenda (FNCLA) initiative, several First Nations regional leads are in the process of hosting ongoing regional engagements to collect information, priorities, and recommendations to advance First Nations climate leadership. The AFN supports the FNCLA initiative with coordination at the national level. Work is ongoing through regional First Nations leads to support the advancement of regional climate priorities.

Finally, an AFN delegation will attend the 28th session of the Conference of the Parties (COP 28) of the UN Framework Convention on Climate Change (UNFCCC) in Dubai, UAE, from November 30 to December 12, 2023.



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## **CONSERVATION AND BIODIVERSITY**

The AFN continues its advocacy to effectively position First Nations on conservation and biodiversity policy in Canada. Federal commitments at the UN Convention on Biological Diversity (CBD) 15<sup>th</sup> Conference of the Parties (COP15) to halt and reverse biodiversity loss, through the Kunming-Montreal Global Biodiversity Framework (KMGBF), and through a parallel commitment to implement the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), First Nations in Canada are positioned at the forefront of domestic and international conservation efforts moving forward.

The AFN actively participates in CBD meetings at the international level for the creation of space for Indigenous Peoples' governance, rights, and knowledge systems within all areas of the KMGBF.

To support these processes domestically, the AFN is working in collaboration with Canada to establish a First Nations Nature Table (FNNT), which will formally begin its work in early 2024. The FNNT will be a strategic, technical-level table to provide First Nations perspectives, advice, and recommendations to Canada on its implementation of the KMGBF and Canada's related Nature Agenda.

In October, the AFN provided a first high-level technical review of Canada's draft National Biodiversity Strategic Action Plan (NBSAP), including contributions from the ACE and AFN's Regional Nature Coordinators. Based on this review, four areas of consideration were identified that are essential to advancing First Nations rights:

1. The recognition of First Nations leadership in achieving the KMGBF 2030 targets, including specific language that references First Nations culture and rights in relation to lands, waters, ice, and biodiversity;
2. The need for transformative change, advancing actions that transcend existing systemic and colonial processes;
3. The recognition that the many existing policies, programs, initiatives, and systems that are contained within the NBSAP are insufficient to achieve the goal of halting and reversing biodiversity loss, and
4. Recognition that efforts are meaningless without the full and effective participation of First Nations through the design, planning, and implementation of all actions contained with the NBSAP.
5. Moving forward, the AFN will continue to engage in the drafting process to advocate for positioning First Nations leadership and stewardship of the land, water, and ice.

## **ENVIRONMENTAL HEALTH**

Pollution and environmental contamination continues to increase alongside increased emergencies. Recognizing the magnitude of these concerns, the AFN is advocating for renewed relationships between First Nations and Canada to advance a wholistic approach to environmental justice that addresses environmental health and protection while facilitating and promoting First Nations-led approaches.

The AFN remains engaged on Bill S-5 (*An Act to Amend the Canadian Environmental Protection Act, 1999*). An important amendment to the *Canadian Environmental Protection Act* introduced through Bill S-5 is the



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recognition of the right to a healthy environment (RTHE) and an obligation on the government to develop, within two years of the amendment coming into force, an implementation framework for RTHE. Environment and Climate Change Canada (ECCC) and Health Canada (HC) have begun a 2-year engagement process, including Indigenous-specific engagements, to develop a RTHE implementation framework. The AFN is advocating for the fulsome inclusion of First Nations in the development and implementation of Canada's RTHE Framework. This includes creating space to ensure First Nations can assert their rights and access the necessary resources to meaningfully contribute to the development of the implementation framework for the RTHE.

The AFN continues to work in partnership with Health Canada and the University of Ottawa, University of Montreal, McGill University and Laval University to advance research efforts under the Food, Environment, Health, and Nutrition of First Nations Children and Youth (FEHNCY) study. The FEHNCY study was initiated in the Atlantic region in the fall of 2022 and in the Saskatchewan Region in the spring of 2023.

In addition, as directed by Resolution 58/2018, *First Nations Response to Chronic Wasting Disease*, the AFN remains engaged in advocating for wildlife health, through active engagement in Chronic Wasting Disease (CWD) research and prevention. A working group with members of the ACE and the Chiefs Committee on Health was formed in 2018, and the AFN is currently working to finalize a draft CWD position paper outlining First Nations concerns and recommended responses. The AFN also participates in the National Boreal Caribou Knowledge Consortium (NBCKC) and Indigenous Knowledge Circle (IKC).

### **IMPACT ASSESSMENT**

On October 13, 2023, the Supreme Court of Canada released its decision on the constitutionality of the Federal *Impact Assessment Act* (IAA), finding that the scheme of the IAA was unconstitutional, except for ss. 81-91 (projects on federal lands). While Canada considers 'targeted and meaningful' legislative amendments, it released a statement on the interim administration of the Impact Assessment Act pending legislative amendments, outlining how existing projects under the Act will be treated. The statement committed to "... remaining consistent with the United Nations Declaration on the Rights of Indigenous Peoples and providing opportunities for meaningful engagement and participation of Indigenous Peoples in the assessment process, with the aim of securing their free, prior and informed consent." This will be a point of advocacy for First Nations as legislative amendments are considered.

The AFN was preparing to support regulatory development on the Indigenous Co-Administration Agreement Regulation: a new regulation that would provide opportunities for First Nation governments to enter into agreements to assume powers, duties, and functions under the Act (ss. 114). Progress related to this has been put on hold. Once this resumes, the AFN will continue to advocate for the full and meaningful inclusion of First Nations, regional organizations, and provincial and territorial bodies at all intervention points throughout the regulatory process of all projects. Other priority areas include an Impact Assessment Reconciliation Framework, Cost Recovery Model(s), and Ministerial Project Lists.



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## Next Steps

Growing recognition of the biodiversity and climate crises has elevated domestic and international environmental protection and advocacy work. Building on the 2022 federal commitments at the UNFCCC COP 27 (Egypt) and CBD COP 15 (Montreal), work related to climate change and biodiversity, respectively, has received focused global attention and commitments.

The AFN will continue to advance work as mandated by First Nations in Assembly, with the guidance of the ACE, JCCA, FNNT. Urgent action is required to address climate change and biodiversity loss. First Nations must continue to guide national and international efforts to combat these crises. The AFN will continue to advocate domestically and internationally to position First Nations as leaders in environment-related work, and as caretakers and stewards of their traditional lands, territories, and waters.