



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

Resolution no. 26/2024

TITLE:	First Nation Participation in the Development of a Right to a Healthy Environment Implementation Framework and Environmental Justice Strategy
SUBJECT:	Environmental Health, Environmental Protection, Environmental Justice
MOVED BY:	Chief Byron Louis, Okanagan Indian Band, BC
SECONDED BY:	Judy Wilson, Proxy, Osoyoos Indian Band, BC
DECISION	Carried by consensus.

WHEREAS:

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

- i. 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.
- ii. 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.
- iii. Article 28(1): Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
- iv. Article 29(1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous people for such conservation and protection, without discrimination.

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- B.** First Nations continue to face the impacts of historical and ongoing environmental degradation, racism, and injustices that stem from colonial policies and practices. As a result, First Nation peoples, communities, and environments experience disproportionate exposure to pollution from different sources, including industrial activities.
- C.** Bill S-5: *An Act to Amend the Canadian Environmental Protection Act (CEPA)* received Royal Assent on June 13, 2023, and made amendments to *CEPA*. One such amendment was the introduction and recognition of the right to a healthy environment. The Canadian government is now obligated to, within two years of the amendment coming into force, develop an implementation framework to set out how the right to a healthy environment will be considered in the administration of *CEPA*.
- D.** Canada has begun a two-year engagement process, including Indigenous-specific engagements, to inform the development of a Right to a Healthy Environment Implementation Framework (Implementation Framework).
- E.** While positive, there are concerns that the Implementation Framework will not appropriately consider the impact on First Nations rights, self-determination, knowledge systems, and priorities, including how it would address environmental injustices and the environmental protection regulatory gap faced by First Nations.
- F.** In parallel, Parliament has considered Bill C-226, *An Act Respecting the Development of a National Strategy to Assess, Prevent and Address Environmental Racism and to Advance Environmental Justice* (Bill C-226). The Bill achieved Royal Assent on June 20, 2024.
- G.** Environmental racism refers to the disproportionate siting of polluting industries and other environmental hazards in Indigenous, Black, and other racialized communities, and uneven access to nature and environmental benefits. The legacy of environmental racism is well documented and can no longer be ignored.
- H.** The UN Special Rapporteur on Human Rights and Environment referred to “sacrifice zones” such as pulp mill effluent in Pictou Landing First Nation’s Boat Harbour, mercury poisoning in Grassy Narrows First Nation, and petrochemical facilities surrounding Aamjiwinaang First Nation.
- I.** First Nations require effective tools, funding, and capacity to ensure environmental protection for the lands, waters, air, wildlife, and First Nations peoples.
- J.** First Nations-led environmental monitoring of pollution and contaminants is key to understanding the connection between environmental degradation, racism, and justice.

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

- 1.** Call on the Government of Canada to acknowledge the intersecting, cumulative, and gender-based impacts of environmental racism, as well as its intersections with colonialism and the proposed Right to a Healthy Environment Implementation Framework, on First Nations.
- 2.** Call on the Government of Canada, including the Minister of Environment and Climate Change Canada and the Minister of Health, to work with First Nations, including the Assembly of First Nations (AFN), First Nation regional and other organizations, and Rights and Title Holders, to ensure the full and effective

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participation of First Nations in the development and implementation of a Right to a Healthy Environment Implementation Framework, including:

- a. the integration of First Nations knowledge systems, with free, prior and informed consent (FPIC) and respecting First Nations' data sovereignty including through the First Nations' principles of Ownership, Control, Access, Possession (OCAP®);
 - b. protection of First Nations rights and self-determination, implementation of the *United Nations Declaration on the Rights of Indigenous Peoples Act*, fulfillment of reconciliation commitments; and
 - c. the identification of dedicated resources to enhance First Nations capacity and leadership in the entire process.
3. Call on the Government of Canada to work in full partnership with First Nations, including the AFN, First Nation regional and other organizations, and Rights and Title Holders, especially those that have faced environmental racism, to develop a First Nations-led environmental justice strategy to address the intersecting, cumulative, and gender-based impacts of environmental racism and injustices faced by First Nations.
 4. Direct the AFN, with the leadership of the Advisory Committee on Climate Action and the Environment (ACE), to work with the relevant federal departments to establish a bilateral mechanism between the AFN and the Government of Canada for bringing forward the environmental health and protection concerns and priorities of First Nations to the attention of the Prime Minister of Canada, the Minister of Environment and Climate Change Canada, and the Minister of Health.
 5. Direct the AFN to work with the appropriate federal departments to expand First Nations environmental health and protection research and communication efforts, including appropriate opportunities for enhanced First Nations environmental health monitoring and the integration of First Nations perspectives, concerns, and knowledge systems into environmental protection risk assessment, management, and decision-making.

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