



## **Submission of the Assembly of First Nations (AFN) on the Purpose, Content and Structure for the Indigenous Peoples' traditional knowledge platform, [1/CP.21 paragraph 135](#) of the Paris Decision.**

### **INTRODUCTION**

The AFN is the national, political organization of First Nation governments and their citizens, including those living on and off reserve in Canada. The role and function of the AFN is to serve as a nationally delegated forum for determining and harmonizing effective, collective and co-operative measures on any subject matter that the First Nations delegate for review, study, response or action, and to advance the aspirations of First Nations.

The AFN National Executive is made up of National Chief Perry Bellegarde, ten Regional Chiefs, and the chairs of the Elders, Women's and Youth Councils of the AFN. The role of the National Chief and the AFN is to advocate on behalf of First Nations as directed by Chiefs-in-Assembly.

The AFN convenes at least two national meetings per year, with an open invitation to all Chiefs and delegates from 634 First Nations, representing more than 900,000 Indigenous Peoples across Canada. At these meetings, resolutions of the Chiefs-in-Assembly are passed which provide direction, guidance, positioning and planning of the AFN for the coming years.

The AFN has been encouraging and supporting, when possible, First Nations in identifying and addressing the effects of climate change for the past several decades. In this time, we have seen many First Nations and their citizens emerge as leaders in adapting and mitigating the effects of climate change.

### **CONTEXT**

The AFN welcomes the opportunity to submit its proposals relating to the Indigenous Peoples' Traditional Knowledge Platform described in decision [1/CP.21 paragraph 135](#). In this regard, the AFN recalls the United Nations *Declaration on the Rights of Indigenous Peoples* (the Declaration), describing the minimum standards of the rights of Indigenous Peoples in

accordance with Article 43. We also call your attention to Article 42 requiring the United Nations, its bodies and specialized agencies, as well as States, to promote respect for and full application of the provisions of the Declaration. For the purposes of this submission, AFN affirms the following Articles of the Declaration:

*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 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.*

*Article 31*

- 1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.*
- 2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.*

Recognition and respect for Indigenous Peoples' world views, cosmologies, values, practices, customary laws, community protocols, rights, and interest must permeate through all work, preparatory and implementation, related to the Indigenous Peoples' Platform.

## **PURPOSE**

The purpose of the Indigenous Peoples' Platform is to:

1. Provide the UN Framework Convention on Climate Change (UNFCCC) with high-level advice on relevant issues through analysis and appropriate policy recommendations or options in order to enable those organs to improve the coordination, integration, and action on climate change and indigenous issues to support the implementation of the Paris Agreement; and
2. Ensure the meaningful inclusion and participation of Indigenous Peoples in the implementation of *Article 135*, through the integration of traditional knowledge,

innovations and practices of Indigenous Peoples and local communities, and local knowledge systems in order to enhance synergies among international processes and organizations addressing these issues.

These purposes must be carried out through the lens of the United Nations *Declaration on the Rights of Indigenous Peoples*, as well as the human rights mandate described in the Paris Agreement.

AFN also emphasizes the need to ensure the Platform engages in appropriate recognition, both in *substance and process*, of the diversity of Indigenous knowledge systems, languages, experiences and life-ways.

## **CONTENT AND FUNCTION**

In *substance*, this will require an interpretation of “traditional knowledge” in the context of the Platform which is not reductionist, nor homogeneous, in scope and definition. Indigenous Knowledge cannot be characterized as simply “data” or “information” for the purposes of the Platform. Nor should any future repositories of data/information gathered by the Platform be characterized as Indigenous Knowledge. Traditional Knowledge is a part of larger systems of knowledge and languages. When Indigenous Peoples share their knowledge in the Platform, they are not by definition sharing the entirety of their Indigenous knowledge system. The Platform can only claim to convene aspects or elements of Indigenous Knowledge – the Platform cannot ever claim to have convened entire Indigenous knowledge systems. For example, when an Indigenous delegate shares elements of their knowledge, whether in a UN language or in an Indigenous language, that Indigenous representative is choosing which aspect or element of their knowledge to share for the purposes of the Platform.

As such, an aspect of *process* is to ensure that Indigenous Knowledge holders themselves are engaged to participate in the Knowledge Platform. While we understand the expediency of engaging exclusively with non-governmental organizations within the context of the UN system, this Platform - both in motivation and aspiration - requires Indigenous Knowledge holders and appropriate Indigenous representatives to be engaged at all levels of implementation. Additionally, knowledge holders must be able to confer amongst themselves in the process as to the message they want to provide through the Knowledge Platform. Indigenous Peoples may hold different aspects of knowledge as well, and must be able to engage with one another and collaborate as opposed to being confined to isolated spaces wherein knowledge holders provide contributions in a vacuum without reference to one another and to Mother Earth.

Another aspect of *process* will require extensive and direct engagement with Indigenous Peoples in all regions of the world, with their free, prior and informed consent. The process must be inclusive of Indigenous Peoples of Canada and other developed countries who are, at times, excluded from such international processes as a function of the funding, design and operations of United Nations initiatives. Indigenous Peoples in Canada have been described by our former National Chief, George Manuel, as a “fourth world.”<sup>1</sup> The United Nations Human Development Index shows a human rights and development gap where Canada consistently ranks in the top ten, but First Nations rank at 63 or lower. The current AFN National Chief, Perry Bellegarde, has pointed to conditions – like numerous First Nations communities that do not have safe drinking water or adequate sanitation, on-reserve high school graduation rates of only 35%, lack of food security, and inadequate housing – as an expression of this on-the-ground reality.

The following key priorities must also contribute to the content and function of the Platform:

1. Promote dialogue, ongoing relationships and partnerships with Indigenous Peoples in coordination with appropriate UN funds, programmes, and specialized agencies, including Indigenous Peoples from “developed” regions of the world, in order to respect, promote and implement the rights of Indigenous Peoples. This dialogue, relationships and partnerships may also build trust, good relations, mutual understanding, intercultural spaces, knowledge exchange, knowledge translation and reconciliation.
2. Promote best and effective Indigenous practices and identify challenges or constraints encountered; actions and initiatives to overcome them, and appropriate measures for further implementation of the Paris Agreement.<sup>2</sup>
3. Assess and review progress at the international, national, and regional levels in the implementation of action lines; understand Indigenous Knowledge as holding a place of equity with science and technology; interpret the relevance of science and technology to the lands, territories and resources of Indigenous Peoples and their livelihoods; and highlight appropriate areas of work for Parties, the private sector and other relevant institutions.
4. Strengthen and build capacity for communication among Indigenous Peoples and between Indigenous Peoples and governments at local, national, regional and international levels, including with the Secretariat of the UNFCCC, with direct participation and responsibility of Indigenous Peoples through appropriate focal points,

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<sup>1</sup> See Manuel, George; Posluns, Michael (1974). *The Fourth World: An Indian Reality*. Toronto: Collier-Macmillan Canada. ISBN 978-0-02-975620-1

<sup>2</sup> The Arctic Indigenous Peoples

and perhaps consideration of the creation of new focal points for Indigenous Peoples in particular throughout all regions;

5. Advance the understanding of knowledge, science, and technology policies of Indigenous Peoples, particularly with the aim of supporting, accelerating, encouraging and enabling innovation, Indigenous approaches to research, development, and demonstration, including through facilitation of access to climate technology development and transfer;
6. Formulate recommendations and guidelines on Indigenous rights and knowledge within the UNFCCC, including objectives and their outcomes, the use of information and communication technologies for development, and the achievement of the Paris Agreement and;
7. Explicit recognition of the central utility of community-based monitoring and Indigenous Knowledge in building capacity; production of observations of climate change and use of Indigenous Knowledge in that regard; engaging in diversity *within* communities; adapting technologies to be responsive to local Indigenous needs, infrastructure inequities and lack of representation; and contributing to sustainability.

## STRUCTURE

AFN is pleased to note that collaboration aimed at improving the work of Parties and UNFCCC with Indigenous Peoples through global partnerships for advocacy, in formulating country strategies and in designing, implementing and evaluating climate change action, has begun. However, we reiterate that more work is necessary.

The following structure is proposed to continue the conversation:

1. Establish a working group under the SBSTA with representatives from the Parties, Indigenous Peoples, and invited observers, including Global Environmental Facility, UNDP, World Bank, and other relevant actors;
2. Indigenous Peoples would be offered a “Permanent Participant” status. This would enable the active and direct participation and consultation of Indigenous Peoples in the Working Group of the Indigenous Peoples’ Platform. There is already such precedent, in examples such as the Arctic Council and the CBD Article 8(j), where Indigenous Peoples have been engaged at the highest level;
3. This would enable Indigenous Peoples’ representatives the opportunity to take the floor on the same conditions as State Parties of the UNFCCC.
4. If recommendations are developed from the Indigenous Peoples Platform, Indigenous

Peoples' representatives will communicate those recommendations to the UNFCCC State Parties.<sup>3</sup>

5. In order to achieve the full realization of the right to participate in decision-making, Indigenous Peoples must have consultative and participatory status within UNFCCC.<sup>4</sup>
6. To reflect the diversity and challenges of Indigenous Peoples around the globe, ad hoc rules and procedures will be created to respond to requests for participation. The selection process should be based on principles of fair representation, the diversity and geographical distribution of Indigenous Peoples, transparency, and equal opportunity for all Indigenous Peoples;
7. The Working Group will be tasked with developing an interim two-year programme of work.<sup>5</sup> Full and effective participation of women, youth, and elders' of Indigenous and local communities in all activities of the programme of work will be essential. This would help prepare, advocate, facilitate and promote the coordination of work of the platform across the UNFCCC system, governments, and the public at large.<sup>6</sup>
8. Develop multiple means of communication, in addition to the internet, such as newspapers, bulletins, and radio using local languages, as well as to share best practices, lessons learned and good examples of community protocols relevant to Indigenous Peoples, and to facilitate dissemination and exchange of information on issues related to climate change adaptation and mitigation.
9. In order to strengthen the capacity of the UNFCCC to provide substantive assistance and support to the Platform in carrying out its mandate, there should be the establishment of a division (of three people - one with adaptation, one with mitigation, one with technology and outreach) within the UNFCCC Secretariat. These appointed individuals would be subject to an approval process from both the UNFCCC secretariat and the IIPFCC, and preferably be Indigenous.<sup>7</sup>

## CONCLUSION AND SUMMARY

Attached hereto is a Chiefs-in-Assembly Resolution 97/2016, passed at the 2016 Special Chiefs Assembly, in Gatineau, resolving to:

*“Support the development of the Indigenous Peoples’ Platform within the United Nations Framework Convention on Climate Change (UNFCCC) process and the implementation*

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<sup>3</sup> The Arctic Indigenous Peoples.

<sup>4</sup> Ibid, 2017.

<sup>5</sup> Examples such as the Warsaw Convention, etc.

<sup>6</sup> Ibid, 2017.

<sup>7</sup> Ibid, 2017.

*of the Paris Agreement, and endorse the concept of an Indigenous co-moderator of the UNFCCC Platform process in an effort to support equitable and collaborative relationship building with a non-Indigenous state representative.”*

Chiefs and First Nations across Canada are aware of, and invested in, the possibilities and opportunities represented by the development of the Indigenous Peoples Platform.

AFN reiterates the importance in this regard of the rights and affirmations contained in the UN *Declaration on the Rights of Indigenous Peoples* and now, by extension, confirmed in the Paris Agreement.

We urge Parties and Government and, as appropriate, international organizations, and organizations representing Indigenous Peoples and local communities, to facilitate the full and effective participation of Indigenous Peoples and local communities in the implementation of *Article 135*, such as:

- Providing opportunities for Indigenous Peoples and local communities to identify their capacity needs, with the assistance of Governments and others, if they so require;
- Include, in proposals and plans for projects carried out in Indigenous Peoples and local communities, funding requirements to build the communications capacity to facilitate dissemination and exchange of information on issues related to climate change adaptation and mitigation; and
- Provide sufficient capacity in national institutions to respond to the needs of Indigenous Peoples and local communities related to *Article 135*.

We sincerely thank you for your consideration of this submission and would be pleased to address any questions or clarifications that you may have.

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**SPECIAL CHIEFS ASSEMBLY**  
**DECEMBER 6, 7, & 8, 2016; GATINEAU, QC**

**Resolution no. 97/2016**

**TITLE:** First Nations Full and Meaningful Inclusion in Climate Action

**SUBJECT:** Environment

**MOVED BY:** Chief Roberta Joseph, Tr'ondëk Hwëch'in, YK

**SECONDED BY:** Chief Calvin Sanderson, Chakastaypasin First Nation, SK

**DECISION** Carried by Consensus

### WHEREAS:

A. The following articles of the United Nations Declaration on the Rights of Indigenous Peoples states:

- i. Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- ii. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
- iii. Article 32 (3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

B. International leaders set global targets to reduce carbon emissions as part of the 21<sup>st</sup> Conference of the Parties (COP 21), which led to the *Paris Agreement* – officially signed by Canada in April 2016.

**Certified copy of a resolution adopted on the 8th day of December 2016 in Gatineau, Québec**

**PERRY BELLEGARDE, NATIONAL CHIEF**

**97 – 2016**

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- C. All of the parties to the *Paris Agreement* agreed that they should, when taking action to address climate change, recognize and respect the rights of Indigenous peoples.
- D. At a First Ministers Meeting in Vancouver in March 2016, the First Ministers agreed to the *Vancouver Declaration on Clean Growth and Climate Change* (the Vancouver Declaration), in a process that sets out a plan to achieve Canada's international commitments through the creation of a Pan-Canadian Framework for Clean Growth and Climate Change.
- E. International leaders and representatives of Indigenous peoples from all regions of the world, including the Assembly of First Nations (AFN) as an autonomous delegation, met at the 22<sup>nd</sup> Conference of the Parties (COP 22) in November 2016, in Marrakesh, Morocco.
- F. At COP 22, a high-level dialogue was held regarding the development and launch of an Indigenous Peoples Platform referenced in Decision 1/CP.21 paragraph 135 of COP21 (Paris).
- G. The Pan-Canadian Framework Process is set to conclude at the upcoming First Minister's Meeting in Ottawa, December 9, 2016.
- H. First Nations require a concrete mechanism to ensure their full and effective participation in understanding and contributing to climate change policies, as well as the tools and knowledge to give their free, prior and informed consent on all said policy.
- I. The AFN has passed numerous resolutions supporting First Nations involvement in Climate Change discussions. These include: "*Engaging in Climate Action and the Environment*" (resolution 29/2016), "*Indigenous Human Rights and Responsibilities for the Protection of Mother Earth within Climate Change Action*" (Resolution 48/2016), "*Support First Nations in Addressing Climate Change*" (resolution 59/2015), and "*Inclusion of Indigenous Rights in Paris Agreement and Resulting Strategies*" (resolution 51/2015).
- J. Climate change will significantly alter our way of life on the lands the Creator has bestowed upon us and upon which we have inalienable rights as confirmed in Treaties between First Nations and the Crown.
- K. The AFN has established its Advisory Committee on Climate Action and the Environment (ACCAE), and participating Elders have met to formalize an Elders' Statement on climate action and the environment.

**THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:**

1. Call on the Prime Minister and provincial/territorial premiers to fully and meaningfully include First Nations in the drafting, finalizing, and implementation of the Pan-Canadian Framework on Clean Growth and Climate Change (PCF) through, among other things, the development of concrete mechanisms to ensure our full and effective participation in current and ongoing climate change policies, including the implementation of the PCF.

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PERRY BELLEGARDE, NATIONAL CHIEF

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2. Support the development of the Indigenous Peoples' Platform within the United Nations Framework Convention on Climate Change (UNFCCC) process and the implementation of the Paris Agreement, and endorse the concept of an Indigenous co-moderator of the UNFCCC Platform process in an effort to support equitable and collaborative relationship building with a non-Indigenous state representative.
3. Call on the Government of Canada to ensure that any Canadian climate change plan must reflect and include the Trudeau Government's commitment to fully implement, and adopt without qualification, the *United Nations Declaration on the Rights of Indigenous Peoples*, including achieving the free, prior and informed consent of Indigenous peoples prior to the approval of any project affecting their lands or territories and other resources.
4. Direct the Assembly of First Nations (AFN) to advocate for the incorporation of an Indigenous human rights based approach that is inclusive of the development of Indigenous laws, protocols, and processes, in full partnership with individual First Nations.
5. Direct the AFN, with support from the Advisory Committee on Climate Action and the Environment (ACCAE), to begin discussions on a First Nations-led climate plan that prioritizes First Nations issues and interests.
6. Call on the federal, provincial, and territorial governments to establish a fund to support First Nations to conduct community-led climate change assessments, create mitigation and adaptation action plans, and invest in capacity-building to participate in the federal, provincial, and territorial framework and processes.

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