



Congress of Aboriginal Peoples

Report on the Environment and Climate Change

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1. Executive Summary

This report discusses six main areas of concern for CAP and its constituency regarding the environment and climate change. As the world continues to wrestle with changing relationships with land and natural resources as well as the growing negative effects of the climate crisis, it is crucial to consider how Indigenous voices will be heard and how Indigenous peoples will be protected.

The United Nations Declaration on the Rights of Indigenous People, of which Canada is now a signatory and which the federal government has promised to enshrine in law, guarantees Indigenous people “the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources.” However, Canada has failed again and again to fulfill this guarantee.

The key findings of this report are as follows.

- The climate crisis poses unique dangers to Indigenous peoples, who are often the most vulnerable group to be affected by climate induced disasters and changes. In addition, Indigenous peoples lack a formal role in international negotiations and organizations such as the UN, and do not have the financial resources or capacity to act at the same level as states.
- The Impact Assessment Act of 2019 states that Indigenous peoples are to be consulted on all projects with a potential impact on the environment. This act, as well as other recent bills, must be leveraged by Indigenous advocacy groups to ensure that Indigenous peoples are included in development project deliberations.
- Protecting species at risk and fisheries is inherently tied to traditional Indigenous knowledges. To fully protect the ecosystems of Canada, Indigenous organizations must be fully included in environmental policy making.
- Traditional Indigenous Ecological Knowledge has many applications, including law, governance, social work, health and medicine, philosophy, education, and the environment. Engagement with the government should be open to all interested Indigenous organizations, including regional or issue-focused Indigenous organizations.
- The 2012 Sustainable Development Goals provide a useful framework for a holistic approach to environmental advocacy.
- Indigenous peoples’ access to natural resource and land must be protected and strengthened.

This March 2020 CAP paper, “Report on the Environment and Climate Change,” will inform the organization’s ongoing advocacy work to improve the health of off-reserve Indigenous peoples. It represents in-depth research on current environmental policies and their effects on our constituency and includes recommendations for CAP’s work going forward. For more information on the relationships between health, housing, child welfare, criminal justice, the environment, international relations, or language and culture, please see the other March 2020 CAP policy research reports.

2. Fact Sheet: Report on the Environment and Climate Change

- Reports published in 2018 from the OECD, Climate Transparency, and Climate Change Performance Index indicate that Canada spent the most per capita of any G7 country on oil and gas production, is the 4th largest greenhouse gas (GHG) emitter and is one of the most carbon-intensive economies in the OECD.
- Canada’s temperatures are rising faster than the global average, causing widespread ice melting and drastic weather events.¹
- Indigenous peoples are often the most vulnerable group to be affected by climate induced changes. At the same time, Indigenous peoples lack a formal role in international negotiations and organizations such as the UN, and do not have the financial resources or capacity to act at the same level as states.
- Climate change and environmental pollution can have important impacts on the quality of life of Indigenous peoples by affecting food security, putting traditional lifestyle at risk, increasing health problems and diseases and destroying infrastructures.
- The Impact Assessment Act of 2019 states that Indigenous peoples are to be consulted on all projects with a potential impact on the environment.
- Water quality is unsatisfactory in more than 50% of monitored freshwater sites in Canada. Quality near industries (oil, paper mills, nuclear, etc.) is not good and these factories are usually strategically placed near or in rural Indigenous communities.
- Air pollution exceeds public safety standards in major Canadian cities.² The majority of Indigenous people in Canada live in urban environments.³
- The United Nations Declaration on the Rights of Indigenous People, of which Canada is now a signatory and which the federal government has promised to enshrine in law, guarantees Indigenous people “the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources.”
- Canada’s natural resources include:⁴
 - About 20% of the world’s freshwater resources
 - Approximately 8,500 rivers and over 2 million freshwater lakes (which cover about 9% of the country’s surface)
 - The world’s largest coastline
 - About 25% of the world’s forest and woodlands.

¹ Environment and Climate Change Canada. (2008, November 7). *Facts on climate change* [Education and awareness]. Aem. <https://www.canada.ca/en/environment-climate-change/services/climate-change/facts.html>

² Chung, E. (2019, October 30). *Harmful air pollution “definitely too high for the public” near city roads, study suggests* | CBC News. CBC. <https://www.cbc.ca/news/technology/air-pollution-study-1.5339472>

³ Congress of Aboriginal Peoples. (2019). *Urban Indigenous People, Not Just Passing Through*. <http://www.abo-peoples.org/wp-content/uploads/2019/09/Urban-Indigenous-Report-FINAL.pdf>

⁴ United Nations Convention on Biological Diversity. (n.d.). *Canada- Main Details*. Secretariat of the Convention on Biological Diversity. Retrieved April 15, 2020, from <https://www.cbd.int/countries/profile/?country=ca#facts>

3. Introduction

The world is facing an environmental crisis, and in Canada no one is more affected than Indigenous people. Scientists and Indigenous people around the world are in agreement that action needs to be taken immediately, or the world we leave to the next seven generations will be a harsh one indeed.

Indigenous people are the original stewards of this country and continue to hold title to much of its lands and waters. They feel a spiritual connection to it and a moral obligation to defend it. What is more, they have a right to do so, enshrined in Canada's international commitments. The United Nations Declaration on the Rights of Indigenous People, of which Canada is now a signatory and which the present government has promised to enshrine in law, guarantees Indigenous people "the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources."

Yet Canada has failed again and again to live up to these commitments. While Indigenous people, especially those not affiliated with *Indian Act* band governments or Inuit land claims, are locked out of decision making on environmental issues, Canada plods along, taking half measures that will ensure its Kyoto targets remain out of reach.

The Congress of Aboriginal Peoples is the only national Indigenous Organization with the right to speak on behalf of off-reserve and non-status Indians, Métis, and Southern Inuit and has had an interest in environmental issues since its earliest days. One resolution passed by the Annual General Assembly in 1986 states that "the Congress of Aboriginal Peoples should take a stand on environmental issues, particularly those [...] impacting Aboriginal Hunting and Fishing rights."⁵ By 1990, there had been an attempt to establish an environment program and another resolution that notes that Indigenous peoples are among "the last people consulted on development projects, and the first affected by adverse environmental effects."⁶

In 2019, CAP's strategic plan set out plans to start green energy businesses across Canada (for power and water), to access (Ownership) of land and resources for economic development, and to follow up with the Minister of Environment on expanding participation in fisheries. The

⁵ CAP AGA resolution 1986-40

⁶ CAP AGA resolution 1990-18

strategic plan also set out CAP's intention to participate in the Intergovernmental Panel on Climate Change.

That same year, CAP's Annual General Assembly unanimously adopted a motion calling for immediate action on the environment and articulating our core values:

Whereas Indigenous peoples have a special relationship of stewardship with their traditional territories

And whereas Indigenous traditional knowledge is a vital resource in understanding the natural world in those territories

And whereas all humans hold a duty to safeguard the health, prosperity and well-being of future generations.

And whereas Turtle Island and the world are in a state of climate emergency that threatens the collapse of the global ecosystem and the lifeways of our descendants

And whereas Canadian governments have a duty to consult with Indigenous peoples on all matters that affect them, their lands, and their waters

And whereas Canada has made commitments to the international community to take action to reverse climate change, preserve the biodiversity of ecosystems, protect our air, oceans and freshwater, and reduce harmful pollution

Therefore be it resolved that CAP will advocate strongly and urgently for Canada to take such measures as are necessary to address climate change and to protect the environment.

Therefore be it further resolved that CAP insist upon the respectful inclusion of Indigenous Traditional Knowledge, according to culturally-appropriate practices, in environmental decision making.

Therefore be it further resolved that where specific environmental issues or projects with significant environmental impact arise within the territory of a PTO, that CAP support the appropriate PTO in their environmental advocacy at their request.

For the first time, this resolution calls on CAP to take action on climate change and ecological threats not only because our constituents are disproportionately affected by these issues—although it is clear that they are—but also because of a moral duty to safeguard the earth for future generations that is universally shared, but particularly by Indigenous people.

Environmental issues are quite literally as expansive and complex as the planet itself, and no report of this size could hope to cover every facet of them, let alone their intersections with the equally complex arena of Indigenous rights. Instead, this paper will attempt provide an overview of six areas identified by CAP as key environmental priorities. Each of these is an issue of particular importance to our constituency, either because it has a specific impact on their way of life in their respective regions, or because they feel it poses a threat to the future of the planet too great to be ignored by any organization.

The first key issue will address climate change itself, which is probably the largest and most pressing on the world stage today. The second key issue, which is a more focused look at policy matters affecting Indigenous people in Canada, is the implications of the Impact Assessment Act to our communities. Thirdly, because of their unique rights as harvesters of food resources, Indigenous people also have a special stake in protected species and fisheries policy. From there we will move into a discussion of best practices surrounding Traditional Ecological Knowledge,

and then sustainable development practices. Finally, we will approach the issue of access to land and natural resources as it relates to our constituents.

Each section of this report will outline the broad points of the issue at hand, then propose a number of recommendations. Some of these will recommendations will be addressed to CAP's staff itself to guide future advocacy and policy development, while others are intended as advice from CAP to the federal government. Each section will also include a selection of important resources to act as a jumping off point for future CAP researchers.

4. Climate Change and Canada's Climate Mitigation Record

Climate change is a difficult problem for Indigenous peoples, who lack a formal role in international negotiations and organizations such as the UN, and who do not have the financial resources or capacity to act at the same level as states. However, climate change is a priority for CAP, both because it is a global crisis that threatens all peoples and ecosystems, and because Indigenous peoples are often the stewards of the land and play a key role in the conservation efforts as well as climate mitigation efforts. At the same time, Indigenous peoples are also often the most vulnerable group to be affected by climate induced changes. Indigenous peoples are affected by the impacts of climate change which can take the form of extreme weather patterns (such as droughts, floods, tornadoes, etc.), rising of sea level, coastal erosion, shifting vegetation zones, shrinking marine habitat, changes in migration patterns, loss of biodiversity, acidification of the oceans, introduction of intrusive species, etc. This, in turn, has impacts on other spheres of life by affecting food security, putting traditional lifestyle at risk, increasing health problems and diseases and destroying infrastructures.

The current federal government's plan to address climate change is developed in the Pan-Canadian Framework on Clean Growth and Climate Change. Despite the government's modest efforts to reduce Canada's CO₂ emissions, our country remains a laggard in the fight against climate change. Canada's emissions reduction targets have never been reached in the past and despite the government's effort to put a price on pollution, it is difficult to believe that our targets will be met. Our track record has shown that we were well above our Kyoto target and, as stated in the OECD's environmental report, projections indicate that our 2020 target will not be met and our very low rated 2030 target is seemingly way out of reach. By 2030, emissions are projected to increase to between 636 to 775 MtCO_{2e}, rather than diminish from 742 to 517 MtCO_{2e} to attain our 2005 target.

Reports published in 2018 from the OECD, Climate Transparency, and Climate Change Performance Index indicate that Canada spent the most per capita of any G7 country on oil and gas production, is the 4th largest greenhouse gas (GHG) emitter and is one of the most carbon-intensive economies in the OECD.

While talking about reducing emissions and transferring to green sources of energy, the Canadian government is also taking steps to build two diluted bitumen pipelines, as well as a liquefied natural gas plant in BC. Approving these infrastructures and projects will further damage the environment and increase GHG emissions. The government has a duty to consult with Indigenous people regarding the environmental impact of these infrastructures on their

territories but has not yet been granted approval from the different Indigenous stakeholders involved. The government has nonetheless taken steps to move forward with the construction and development of these pipelines and has mobilized the RCMP to address the nonviolent resistance led by the local Indigenous communities.

The climate crisis is a very politicized issue and Big Oil companies have a huge influence on the elaboration of policies. Reports have shown that the government has invested \$3 billion to explore and produce oil and gas in the country and has spent \$12 billion (in 2016) and \$10 billion (in 2017) on foreign oil production. Furthermore, it is important to note that fossil fuel subsidies total \$3.3 billion per year.

With the plans to go forward with projects such as the construction of the Trans Mountain Pipeline Coastal GasLink pipeline (link to LNG), it is difficult to see how Canada will be able to achieve its GHG emissions reduction targets while still respecting its duty to consult and seek approval from local Indigenous communities to build these infrastructures on their land. The construction of these pipelines is a divisive issue among Indigenous people, and even, to an extent, among environmental advocates. Several First Nations along the pipeline are in favor due to the economic opportunity of construction while others are opposed due to risk of spills and to fossil fuel reliance in general.

Canada's oil and gas industry workers have very transferable skills which means that they could (and should) be included in the transition towards green/renewable energy sources.

In terms of tools at our disposition with regards to climate mitigation, the United Nations Framework Convention on Climate Change (UNFCCC) has introduced the Local Communities and Indigenous Peoples Platform (LCIPP). This platform is meant to be a place to exchange knowledge (traditional knowledge), build the capacity of Indigenous peoples to engage in the discussions and fight against climate change, and to facilitate the integration of traditional knowledge into the development of climate change policies and actions through the sharing of best practices on mitigation and adaptation. The LCIPP is an online platform, which also contains off-line components to enable remote communities without internet access to be able to access and contribute to the discussion. The LCIPP was approved at the FWG2 at COP25. As stated by Patricia Espinosa, Executive Secretary of the UNFCCC:

“Indigenous people must be part of the solution to climate change. This is because you have the traditional knowledge of your ancestors. The important value of that knowledge simply cannot—and must not—be understated. You are also essential in finding solutions today and in the future. The Paris Climate Change Agreement recognizes this. It recognizes your role in building a world that is resilient in the face of climate impacts.”

Recommendations:

- CAP is advocating for a human rights-based approach to climate change. This is in keeping with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), which also promotes a human rights-based approach.
- Encourage the Government of Canada and ECCC to further recognize and implement traditional knowledge in their climate mitigation and adaptation practices as Indigenous

peoples have always played the role of steward of the environment and interpreters of ecosystems. Their knowledge would be substantial to inform the existing framework on how to implement best practices in the fight against climate change which has repercussions on all of the biosphere.

- Encourage the Government of Canada to move away from the fossil fuel industry and to further invest in green and renewable energies. Workers in the oil and gas industry have transferable skills and should be included in this transition. First Nations, Métis and Inuit should be part of this conversation and have full opportunities to have access to these new jobs and development projects.
 - Such development projects should be developed in collaboration with Indigenous communities, especially if they are on unceded territories or if they were to conflict with treaty rights. In such cases, the Crown has the duty to consult.
- CAP has been in contact with Environment and Climate Change Canada (ECCC) and have discussed the Pan-Canadian framework, suggesting that ECCC risks underplaying the flaws of Canada's approach to climate change, and that more aggressive measures to tackle climate mitigation could be considered.
- For its part, CAP should consider its own contribution to climate change as an organization and make an effort to reduce its own carbon footprint. For example, CAP is highly reliant on air travel to facilitate meetings with members based across the country, and could demonstrate its commitment to the environmental principles it espouses by reducing the number of in-person meetings it hosts or by purchasing carbon offsets.

Related documents:

- [Canada's Changing Climate Report](#)
- [Pan-Canadian Framework on Clean Growth and Climate Change](#)
- [The Climate Change Performance Index: Canada 2019](#)
- [OECD Environmental Performance Review: Canada 2017](#)
- [Climate Transparency: The G20 Transition to a Low-Carbon Economy \(Canada 2018\)](#)

5. Impact Assessment Act

On August 28, 2019, the Impact Assessment Act (IAA) came into force. This initiative by the Government of Canada aims to bring a set of rules to follow for the implementation of major projects in order to protect the environment, waterways and fish. The new IAA acknowledges the

need to consult and cooperate with certain jurisdictions, including Indigenous governing bodies. As identified in section 2 of the Act, Indigenous governing bodies are defined as the following:

- “(f) an Indigenous governing body that has powers, duties or functions in relation to an assessment of the environmental effects of a designated project
- (i) under a land claim agreement referred to in section 35 of the *Constitution Act, 1982*, or
 - (ii) under an Act of Parliament other than this Act or under an Act of the legislature of a province, including a law that implements a self-government agreement;
- (g) an Indigenous governing body that has entered into an agreement or arrangement referred to in paragraph 114(1)(e);”⁷

Therefore, Indigenous peoples are to be consulted on all projects with a potential impact on the environment.

The Impact Assessment Agency of Canada describes the need to consult with Indigenous peoples in the impact assessment process for a variety of reasons including: relationship building and improving communication; meeting the Crown’s duty to consult by ensuring the respect and protection of Indigenous peoples (section 35 of the Constitution Act, 1982); taking into account traditional knowledge and cultural considerations; and working towards securing the free, prior and informed consent for the implementation of projects.

Under Section 22 of the Act (Impact Assessments – Factors to be considered), the Act states that impact assessment must take into account traditional knowledge, which will in turn help inform considerations related to Indigenous cultures. The IAA contains a full, albeit short, section (Section 119) on the use of Indigenous (traditional) knowledge and acknowledges that traditional knowledge is confidential and must not be disclosed without written consent of the knowledge holder.

Bills C-68 and C-69, which received Royal Assent and are now law, were passed in the 42nd Parliament. Bill C-68 is *An Act to amend the Fisheries Act and other Acts in consequence* and Bill C-69 is *An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts*.

Both these bills are taken into consideration in the IAA and both put in place better rules to protect the environment, waterways, fish and fish habitats. As stated on the Government of Canada’s website under Environmental Assessment Processes:

“The new rules set out in Bills C-68 and C-69 would continue to ensure that respect for the rights of Indigenous peoples of Canada are built into processes to support proposed project reviews and regulatory decisions. Indigenous peoples would be actively engaged, be better able to partner and collaborate with federal officials, and have greater opportunities for

⁷ Impact Assessment Act (S.C. 2019, c. 28, s. 1). Retrieved from the Justice Laws website: <https://laws-lois.justice.gc.ca/eng/acts/I-2.75/index.html>.

participation on boards, expert and advisory committees and advisory councils.

When provided, Indigenous knowledge would be mandatory to consider in certain decisions and processes, along with other sources of science and evidence, to inform decision-making. The new rules would also require that Indigenous knowledge be treated as confidential when provided in confidence, and be protected from unauthorized disclosure, subject to certain exceptions.”⁸

The IAA is not solely focused on the impact that big infrastructure projects may have on the environment. It also recognizes that the purpose of the Act is to protect the environment as well as the health and socio-economic conditions which might be affected by developing such projects.

The Agency does offer funding to assist Indigenous groups in their participation in the impact assessment and Crown consultation activities. These funds are meant to help Indigenous organization prepare and conduct research to ensure a meaningful participation in the process.

Recommendations:

- CAP may take a position on major national-level projects like pipelines or projects which would have a large enough carbon footprint as climate change affects all parts of the country and the world and also has the potential to affect other spheres of society (health, social, economic, etc.)
- PTOs should be the lead in their regions.

Related documents:

- [Impact Assessment Act](#)
- Bill C-68, *An Act to amend the Fisheries Act and other Acts in consequence*, 1st Session, 42nd Parliament, 2019. [Online] <https://openparliament.ca/bills/42-1/C-68/>.
- Bill C-69, *An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts*, 1st Session, 42nd Parliament, 2019. [Online] <https://openparliament.ca/bills/42-1/C-69/>.

6. Protected Species & Fisheries

Canada was the first industrialized country to ratify the UN Convention on Biological Diversity (CBD). Under the CBD, countries have adopted the Aichi Biodiversity targets which are a set of

⁸ Government of Canada, “Environmental Assessment Process: Indigenous communities”, date modified: 2019-09-10, [online] <https://www.canada.ca/en/services/environment/conservation/assessments/environmental-reviews/environmental-assessment-processes/indigenous.html>.

20 targets aimed at improving the conservation of biodiversity which are expected to be achieved by 2020. As stated in the CBD, Aichi Target 11 is defined as the following:

“By 2020, at least 17 per cent of terrestrial and inland water areas and 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures, and integrated into the wider landscape and seascape.”⁹

In order to meet this target, the Government of Canada has developed the *2020 Biodiversity Goals and Targets for Canada* in which it set its own list of targets. The goals and targets identified in this document are:

- Better land use planning management
- Environmentally sustainable management across sectors
- Improving information about biodiversity ecosystem services
- Raising awareness of biodiversity and encouraging participation in conservation

Target 1 of this framework reflects the Aichi Target 11. Furthermore, the important role of Indigenous peoples in conservation efforts is highlighted in the preamble of the *2020 Biodiversity Goals and Targets for Canada*:

“Implementation of the goals and targets will rely on meaningful, full and effective participation of Aboriginal peoples, including First Nations, Inuit and Métis peoples. In this respect, while Aboriginal traditional knowledge and customary use of biological resources are specifically highlighted under targets 12 and 15, the traditional knowledge, innovations and practices of Aboriginal communities are relevant for implementing all of Canada’s biodiversity goals and targets, as is protecting and encouraging customary use of biological resources compatible with their conservation and sustainable use.”¹⁰

The so-called *Pathway to Canada Target 1* has produced the *One With Nature* report which highlights the various ways in which First Nations, Inuit and Métis have contributed and continue to contribute to conservation efforts. *Pathway to Canada Target 1* has also created the Indigenous Circle of Experts (ICE), a group of Indigenous experts from Canada and officials from federal, provincial and territorial jurisdictions, which has led the way in developing efforts

⁹ Convention on Biological Diversity, “TARGET 11 – Technical Rationale extended”, [online] <https://www.cbd.int/sp/targets/rationale/target-11/>

¹⁰ Canada, and Environment and Climate Change Canada. *2020 Biodiversity Goals & Targets for Canada.*, 2016. <https://central.bac-lac.gc.ca/.item?id=CW66-524-2016-eng&op=pdf&app=Library>.

to consider how the creation of Indigenous Protected and Conservation Areas (IPCA) could help Canada achieve its Target 1.

In the ICE's report *We Rise Together: Achieving a Pathway to Canada Target 1 through the Creation of Indigenous Protected and Conserved Areas in the Spirit and Practice of Reconciliation*, examples of IPCAs are described as being Tribal Parks, Indigenous Cultural Landscapes, Indigenous Protected Areas, and Indigenous conserved areas: "IPCAs are lands and waters where Indigenous governments have the primary role in protecting and conserving ecosystems through Indigenous laws, governance and knowledge systems. Culture and language are the heart and soul of an IPCA."¹¹

Environment and Climate Change Canada (ECCC), the Department of Fisheries and Oceans Canada (DFO) and provincial and territorial jurisdictions are working together and consulting Indigenous organizations such as ICE, NGOs, and stakeholders to address the marine component of Canada Target 1.

While Canada's 2020 goals for conservation and biodiversity targets touch on a variety of topics including conservation, pollution, protected areas, it also touches on species at risk, fisheries and the implementation of traditional knowledge to better implement the strategies to achieve the targets. The targets relevant to protected species and fisheries, as well as traditional knowledge follow:

- *Target 2:* By 2020, species that are secure remain secure, and population of species at risk listed under federal law exhibit trends that are consistent with recovery strategies and management plans.
- *Target 8:* By 2020, all aquaculture in Canada is managed under a science-based regime that promotes the sustainable use of aquatic resources (including marine, freshwater and land based) in ways that conserve biodiversity.
- *Target 9:* By 2020, all fish and invertebrate stocks and aquatic plants are managed and harvested sustainably, legally and applying ecosystem-based approaches.
- *Target 12:* By 2020, customary use by Aboriginal peoples of biological resources is maintained, compatible with their conservation and sustainable use.
- *Target 15:* By 2020, Aboriginal traditional knowledge is respected, promoted and, where made available by Aboriginal peoples, regularly, meaningfully and effectively informing biodiversity conservation and management decision-making.

Bill C-68 (*An Act to amend the Fisheries Act and other Acts in consequence*) is key to restore lost protections to fish and fish habitats. This bill, which was granted royal assent in the 42nd Parliament, includes provisions that recognize the right of Indigenous peoples to be part of the decision-making process under the *Fisheries Act*. It also recognizes the important role that traditional knowledge can play in the sustainable conservations and protection of fish and their habitats. As such, under this Act the Minister has an obligation to consider the potential

¹¹The Indigenous Circle of Experts, "We Rise Together: Achieving a Pathway to Canada Target 1 through the Creation of Indigenous Protected and Conserved Areas in the Spirit and Practice of Reconciliation", 2018, p. 5.

repercussions of making certain decisions which might impact the rights of Indigenous peoples, as defined by section 35 of the *Constitution Act, 1982*.

In addition, DFO has implemented the Aboriginal Aquatic Resource and Oceans Management program (AAROM) whose main objectives are listed as the following:

- Assist Indigenous groups in acquiring the administrative capacity and scientific/technical expertise to facilitate their participation in aquatic resource and oceans management;
- Encourage the establishment of collaborative management structures that contribute to integrated ecosystem/watershed management and planning processes;
- Enhance existing collaborative management structures, where appropriate;
- Facilitate sound decision making in advisory and other processes related to a number of areas of DFO responsibility;
- Strengthen relationships through improved information sharing among Indigenous communities, DFO and other stakeholders and,
- Contribute to the federal government's broader objective of improving the quality of life of Indigenous peoples.¹²

The Species at Risk Act further recognizes the importance of traditional knowledge to protect species that are at risk: “the traditional knowledge of the aboriginal peoples of Canada should be considered in the assessment of which species may be at risk and in developing and implementing recovery measures.”¹³ It also recognizes that protected areas and national parks are vital to the conservation of biodiversity and the protection of species at risk. Section 8.1 of the Species at Risk Act, *National Aboriginal Council on Species at Risk* makes the following statement:

“The Minister shall establish a Council, to be known as the National Aboriginal Council on Species at Risk, consisting of six representatives of the aboriginal peoples of Canada selected by the Minister based upon recommendations from aboriginal organizations that the Minister considers appropriate. The role of the Council is to (a) advise the Minister on the administration of this Act; and (b) provide advice and recommendations to the Canadian Endangered Species Conservation Council.”¹⁴

As stated above, the Species at Risk Act established the National Aboriginal Council on Species at Risk (NACOSAR). Out of the six representatives, three have been nominated via notice of opportunity, one was nominated by AFN, one by MNC and the other by ITK.

Under the Act, the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) was established in order to identify endangered species and to identify existing and potential threats

¹² Fisheries and Oceans Canada, “Aboriginal Aquatic Resource and Oceans Management program overview and objectives”, [online] <http://www.dfo-mpo.gc.ca/fisheries-peches/aboriginal-autochtones/aarom-pagrao/overview-survol-eng.html>

¹³ Species at Risk Act (S.C. 2002, c. 29). Retrieved from the Justice Laws website: <https://laws.justice.gc.ca/eng/acts/S-15.3/>, p. 2.

¹⁴ *Ibid*, p. 9.

to species at risk. COSEWIC must carry out its functions based on the best available knowledge which includes Western scientific knowledge, traditional knowledge, and community knowledge. Section 15.3 specifies that “COSEWIC must take into account any applicable provisions of treaty and land claims agreements when carrying out its functions.”¹⁵ COSEWIC will engage with Indigenous peoples by creating a subcommittee specializing in Indigenous knowledge.

The species at risk public registry is being kept up to date on the Government of Canada’s website at the following address: <https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html>

IKANAWTIKET (*ee-gone-aawh-dee-get*) is an initiative of the Maritime Aboriginal Peoples Council (MAPC) through the collaboration of the Native Council of Nova Scotia, the New Brunswick Aboriginal Peoples Council, the Native Council of PEI, Fisheries and Oceans Canada (Gulf and Scotia Fundy Region), and ECCC (Canadian Wildlife Service) to serve as a regional Species at Risk focal point for Aboriginal Peoples residing on their Traditional Ancestral Homelands in the Maritimes. More information can be found at <http://ikanawtiket.ca/>

Our PTO MAPC undertakes the regional initiatives on behalf of three partners, including the Maritime Aboriginal Aquatic Resources Secretariat (MAARS). MAARS runs commercial fisheries for the Maritime PTOs and has taken a number of policy stances regarding the management of aquatic resources, fisheries, oceans and aquaculture.

Recommendations:

- CAP should continue to be an advocate for the inclusion of traditional knowledge in conservation related issues. Attending and being part of the Canadian delegation at events such as the UN Convention on Biological Diversity, as well as consulting with ECCC, FOC and Parks Canada are also important initiatives to remain in the discussion around protecting species at risk and fisheries. These issues particularly affect CAP’s constituents who continue to live traditional lifestyles and rely on sustenance hunting and fishing.
- CAP should continue to collaborate and consult with PTOs who are currently involved in conservation of species at risk and fisheries, such as MAPC.

Related documents:

- [2020 Biodiversity Goals and Targets for Canada](#)
- Zurba, Melanie, Karen Beazley, Emilie English, and Johanna Buchmann-Duck. “Indigenous Protected and Conserved Areas (IPCAs), Aichi Target 11 and Canada’s

¹⁵*Ibid*, p. 13.

Pathway to Target 1: Focusing Conservation on Reconciliation.” *Land* 8, no. 1 (January 7, 2019): 10.

- [One With Nature](#)
- Pathway to Canada Target 1, “A New Approach to Conservation in Canada”, [online] <https://www.conservation2020canada.ca/home>
- [We Rise Together: Achieving a Pathway To Canada Target 1 through the Creation of Indigenous Protected and Conserved Areas in the Spirit and Practice of Reconciliation](#)
- Bill C-68, An Act to amend the Fisheries Act and other Acts in consequence, 1st Session, 42nd Parliament, 2019. [Online] <https://openparliament.ca/bills/42-1/C-68/>.
- [Species at Risk Act](#)
- *Mawqatmuti'kw (We All Live Together)* is a journal published jointly by IKANAWTIKET Environmental Incorporated and MAARS: <http://mapcmaars.ca/theblog/mawqatmutikw-journal/>

7. Traditional Ecological Knowledge

CAP needs to emphasize the importance and utility of traditional ecological knowledge (TEK) when assessing climate change impacts, resilience, and mitigation measures. Indigenous Knowledge has many applications, including law, governance, social work, health and medicine, philosophy, education, and the environment. Engagement should be open to all interested Indigenous organizations, including regional or issue-focused Indigenous organizations.

Traditional Indigenous knowledge can be of value in assessing climate change impacts, climate change resilience, mitigation measures, and conservation of biological diversity. It is important to note that culturally appropriate measures need to be taken when asking for Indigenous knowledge. Often, this knowledge is considered confidential and the property of the sharer. TEK, as with any traditional knowledge, should not be shared with third parties without the knowledge-sharer’s explicit permission.

It is the case that “Indigenous Knowledge is frequently reduced in management processes to information that supplements research and management agendas formed outside of local communities. This problem is greatly exacerbated by the unbalanced power relations that characterize engagements between Indigenous and non-Indigenous experts in management initiatives.”¹⁶ TEK should be on equal grounds with Western knowledge and they should complement each other. We must ensure that TEK is completely integrated when consulting on files and projects regarding the environment and/or their impact with the environment. As such, TEK should not be commodified.

The UN Declaration of Rights of Indigenous Peoples includes articles on how to best apply TEK and traditional knowledge in general. These statements regarding the state’s duty to consult with

¹⁶ Bowie, Ryan. “Indigenous Self-Governance and the Deployment of Knowledge in Collaborative Environmental Management in Canada.” *Journal of Canadian Studies* 47, no. 1 (January 2013): 91–121.

Indigenous traditional knowledge holders with regards to environmental and resource management can be found under the following articles:

- *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.
- *Article 31.2* – In conjunction with Indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.
- *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.
- *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.
- *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.

CAP has been engaging with Environment and Climate Change Canada (ECCC) with regards to their National Climate Change Science and Knowledge Plan (NCCSKP) in order to contribute to the discussion and offer insight about the proper use of traditional knowledge. CAP has also been discussing strategies for the safeguarding for Indigenous knowledge while applying Indigenous perspectives towards climate change with ECCC for the *Local Communities and Indigenous People's Platform* which has been approved at COP25 in Madrid in 2019. Furthermore, CAP has attended the UN Conference on Biological Diversity Working Group on Article 8j (traditional knowledge) to discuss the dependency of Indigenous communities on biological diversity and their unique role in safeguarding and preserving those species. Part of that work included adopting the “Akwé Kon” guidelines around the conduct of cultural, environmental and social impact assessments regarding developments proposed to take place or which are likely to impact on sacred sites and on lands and waters traditionally occupied or used by Indigenous and local communities.

Recommendations:

- CAP should remain active in the UN Convention on Biological Diversity, particularly at the Working Group on Article 8J, because of the relevancy of its content to the CAP constituency and their advocacy for better biodiversity conservation, sustainable use, and equitable benefit sharing; because the CBD is an important entry-point into a vast amount of work at the UN, including bio-cultural heritage; and because of Canada's recognition

of CAP and openness to CAP's full and effective participation as part of the Canadian Delegation and/or Indigenous Peoples and Local Communities (IPLC) Caucus.

Related documents:

- McGregor, Deborah. "Coming Full Circle: Indigenous Knowledge, Environment, and Our Future." *The American Indian Quarterly* 28, no. 3 (2004): 385–410.
- Popova, Ulia. "Conservation, Traditional Knowledge, and Indigenous Peoples." *American Behavioral Scientist* 58, no. 1 (January 2014): 197–214.
- Bowie, Ryan. "Indigenous Self-Governance and the Deployment of Knowledge in Collaborative Environmental Management in Canada." *Journal of Canadian Studies* 47, no. 1 (January 2013): 91–121.
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- [UNDRIP](#)

8. The Sustainable Development Practice in relation to the SDGs

The Sustainable Development Goals (SDGs) were born in 2012 at the United Nations Conference on Sustainable Development in Rio de Janeiro and were adopted by UN member states in 2015. The 17 goals set by the United Nations Development Program (UNDP) are:

- | | |
|---|--|
| • No poverty | • Reduced inequalities |
| • Zero hunger | • Sustainable cities and communities |
| • Good health and well-being | • Responsible consumption and production |
| • Quality education | • Climate action |
| • Gender equality | • Life below water |
| • Clean water and sanitation | • Life on land |
| • Affordable and clean energy | • Peace, justice and strong institutions |
| • Decent work and economic growth | • Partnerships for the goals ¹⁷ |
| • Industry, innovation and infrastructure | |

While these are not strictly environmental initiatives, this holistic approach to global development is relevant to those working in economic, social or justice areas. Many of the goals enounced above are topics and issues that affect our constituents, regardless of their link to the environment. These goals are set to be achieved by 2030.

There are obvious links to be made between the SDGs and Indigenous people living in Canada. First Nations, Métis and Inuit are overly represented when it comes to poverty, they are vulnerable and experience food insecurity, and they often have difficulties accessing appropriate

¹⁷ United Nations Development Program, "Sustainable Development Goals", [online] <https://www.undp.org/content/undp/en/home/sustainable-development-goals.html>.

health services and culturally sensitive education. Furthermore, in terms of gender equality, the MMIWG report and Calls to Action point to a systemic problem which needs to be rectified immediately.

In terms of clean water and sanitation, water quality is unsatisfactory in more than half of monitored freshwater sites. Quality near industries (oil, paper mills, nuclear, etc.) is not good and these factories are usually strategically placed near or in rural Indigenous communities. Furthermore, levels of air pollutants tend to be higher in urban centres close to the Canada-US border. Trans-boundary air pollution (pollutants coming from other countries) significantly impacts Canada's air quality. For example: pollution originating from East Asia affects Canada's west coast; pollution originating from the United States' Midwest affects urban centres in Ontario and Québec.

The government of Canada has much work to do in terms of affordable and clean energy, as it has been pointed out in section 1 of this document. In order to create sustainable communities, it is crucial to take the proper measure to work towards developing opportunities which would not only benefit Canada in terms of economic growth but would also build the much-needed infrastructures to help reduce inequalities. However, these need to be implemented in a manner which would not further harm the environment or exacerbate the climate crisis. As such, climate action is necessary in order to have proper conservation of life below water and on land, and this is where traditional ecological knowledge becomes a key concept which needs to be considered in the decision-making process.

Indigenous peoples need to be part of the conversation when it comes to the implementation of the SDGs because empirical evidence has shown that in Canada Indigenous peoples are overrepresented in terms of those who are the most affected by the problems that the SDGs are aiming to rectify.

The full implementation of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) is an important tool to enable the Canadian government to reach the 2030 target of the SDGs. Canada recognizes that the central commitment is that “no one is left behind” and that includes Indigenous peoples. In the *Towards Canada's 2030 Agenda National Strategy* which was published in 2019, the Canadian government states that:

“Because modern treaty and self-government agreement holders exercise rights and jurisdiction in a number of areas that include education, health and lands, they have a key role to play in developing and implementing SDGs. Canada has signed 25 modern treaties spanning more than 40% of Canada's land mass; 22 agreements include self-government or are accompanied by self-government agreements. Canada is also signatory to four stand-alone self-government agreements and two sector self-government agreements in education. More modern

treaties, self-government and rights-based agreements will be signed in the coming years.”¹⁸

The document also acknowledges the importance of traditional knowledge for the implementation of the SDGs and stipulates that the implementation of the 2030 agenda will support reconciliation. It also acknowledges that the 17 SDGs are intrinsically related to the implementation of UNDRIP, the calls to action of the TRC, as well as the Calls for Justice from the MMIWG inquiry:

“A critical part of this process involves recognizing the impact that Canada’s colonial history has had on the First Nations, Inuit and Métis, repairing damaged trust, offering individual and collective reparations, and following through with concrete actions that demonstrate real societal change.”

It is therefore crucial to see the implementation of the SDGs as a holistic approach which will have the potential to generate positive outcomes for First Nations, Métis and Inuit. The focus of some of these goals on environmental issues will in turn help to implement the other goals.

Recommendations:

- CAP should continue to support the Government of Canada’s efforts to implement the SDGs and to emphasize that not reaching the 2030 target would significantly impact/further exacerbate the problems that our constituents face.

Related documents:

- [Sustainable Development Goals: Towards Canada’s 2030 Agenda National Strategy](#)
- [Sustainable Development Goals \(UNDP website\)](#)

9. Access to Lands and Natural Resources for Indigenous People

Canada contains a wealth of natural resources. According the UN Convention on Biological Diversity, Canada has:

- About 20% of the world’s freshwater resources
 - Approximately 8,500 rivers and over 2 million freshwater lakes (which cover about 9% of the country’s surface)
- The world’s largest coastline
- One of the world’s largest marine territories
- About 25% of the world’s wetlands (which cover about 14% of the country’s area)
- Land that is 40% forest and woodlands
 - About 10% of the world’s forest cover
 - Approximately 30% of the boreal forest

As previously mentioned, there have been initiatives put in place in terms of conservation to grant Indigenous peoples more control over Indigenous Protected and Conserved Areas (IPCA)

¹⁸ Government of Canada’s Sustainable Development Goals Unit, “Sustainable Development Goals: Towards Canada’s 2030 Agenda National Strategy”, Government of Canada, Gatineau, QC, 2019, p. 18.

as First Nations, Métis and Inuit are often the stewards of the land. In terms of environment and natural resources for Indigenous peoples, the Government of Canada is very much focused on on-reserve issues such as environmental management or access to water. However, Indigenous and Northern Affairs Canada (INAC) has stated its desire to engage and collaborate with Indigenous peoples to help their communities to reap the benefits of economic development opportunities.

INAC's website states that "lands and natural resources are among the most valuable assets held by First Nations and Inuit communities, and their effective and sustainable use is critical for Indigenous economic development."¹⁹ As such, they identify one of their goals as unlocking the full economic potential of Indigenous peoples, communities and businesses through the creation of partnerships with the private sector, as well as with provincial and territorial governments. However, much of these initiatives are very focused on reserve lands.

Among INAC initiatives that might be relevant to CAP's constituents are the initiative to engage Indigenous peoples in strategies which would develop knowledge and capacity, and the initiative to provide them with the necessary tools to be part of the green transition and to improve access to green and renewable energy sources. There is also the Indian Oil and Gas Canada (IOGC), which is an agency that reports to the Assistant Deputy Minister of Lands and Economic Development at INAC. IOGC is responsible for carrying out the legal obligations of the federal government with regards to the management of oil and gas resources as well as for supporting First Nations initiatives in terms of managing their oil and gas resources. INAC has also put in place initiatives for mining and minerals but it is limited to reserve lands.

Rural communities and urban communities have varying access to green/natural spaces. Teachings about the land are hard to access. Younger generations who have largely been disconnected from their cultural heritage through the cultural genocide of colonial programs like Residential Schools have expressed a strong desire to learn about both the traditional territories they come from and the traditional territories they occupy; they have expressed their need to

¹⁹ Indigenous and Northern Affairs Canada, "Lands and Economic Development Services Program", [online] <https://www.aadnc-aandc.gc.ca/eng/1100100033423/1100100033424>.

learn their stories but have identified that this knowledge is hard to access. For instance, they have pointed out that there is no-to-little connection between food sources and their culture.

While doing a land acknowledgement is important, it is considered to be the bare-minimum and at this point is simply considered as being a cultural protocol.

Recommendations:

- CAP should reach out to its PTOs to explore what their concerns are in terms of access to land and natural resources. For instance, it would be good to know if there are interests in terms of making land claims or accessing fishing/hunting rights.
- This is an area that does not have a lot of readily available information. CAP should conduct further research on this topic to find out how much of a priority/issue it is for our constituents

Related documents:

- Convention on Biological Diversity, “Canada Biodiversity Facts - Status and trends of biodiversity, including benefits from biodiversity and ecosystem services”, [online] <https://www.cbd.int/countries/profile/?country=ca#facts>.
- Convention on Biological Diversity, *Celebrating 25 Years of Action for Biodiversity – Country Profile: Canada*, Tudor Rose, United Kingdom, 2018, p. 75.

10. Conclusion

The world is at a point when a choice must be made to fundamentally change our way of life, or to have those changes thrust upon us by nature. Canadians and Indigenous nations, as neighbors, will have to make this choice together.

All decisions regarding the use of natural resources or projects that may impact ecosystems need to be made with the full involvement and consent of Indigenous peoples including off-reserve constituents and communities. Canada must live up to its nation-to-nation commitments, both those made in Paris and Kyoto and at home in the treaties and its own constitution.

Respecting all Indigenous people, their traditional knowledge, their rights, and the land they are stewards of, should go hand in hand with Canada’s environmental strategy. CAP is ready to be a part of it.

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