

Acting on Climate Change: Extending the Dialogue Among Canadians

A collection of texts in response to

*Acting on Climate Change:
Solutions from Canadian Scholars*,

a consensus document released in March 2015





ABOUT THE ORGANIZATION

FIRST NATIONS OF QUEBEC AND LABRADOR SUSTAINABLE DEVELOPMENT INSTITUTE

CATHERINE BÉLAND AND MICHAEL ROSS

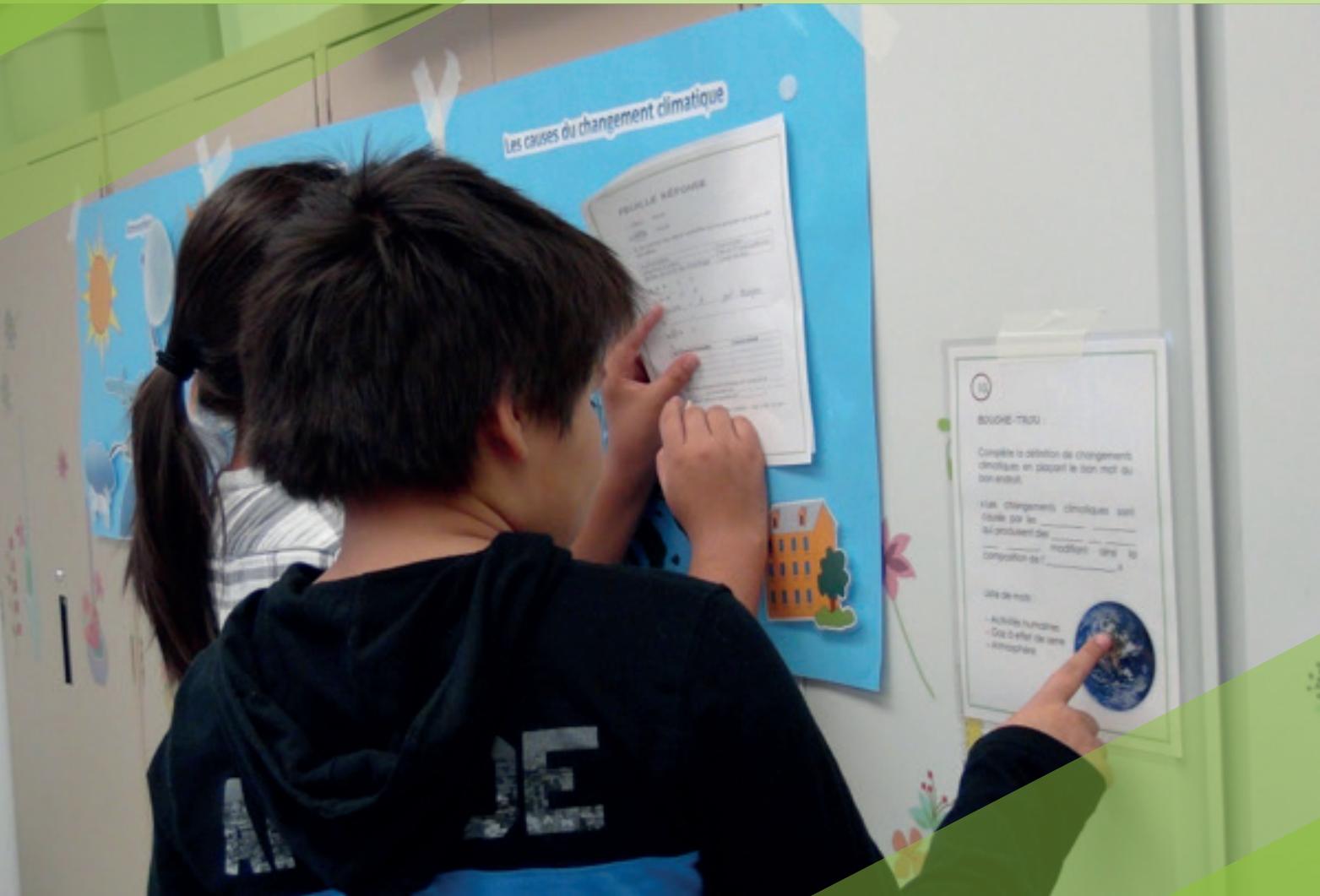
Created in 2000 by the Chiefs in Assembly, the FNQLSDI's mission is to provide First Nations in Quebec and Labrador with a dynamic service hub, supporting their actions towards maintaining territory and resource health, the development of sustainable communities and the recognition of their rights. The FNQLSDI has completed many projects in partnership with First Nations, notably in the area of climate change. Its main accomplishments in this area include a community tour to promote the implementation of greenhouse gas (GHG) reduction measures, the publication of a report documenting the impacts of climate change on 11 First Nations¹, the collaborative development of climate change adaptation plans with seven First Nations, and the organization of the first Forum on climate change adaptation by First Nations in Quebec and Labrador. This event, which took place on February 25th and 26th, 2015 in Quebec City, had the twofold objective of creating a space for dialogue and the search for adaptive solutions to the impacts of climate change, while encouraging future collaborative approaches to implementing adaptation. The Forum was open to both First Nations and non-Aboriginals. In all, about 80 people participated in the event, including representatives from many First Nations, employees of several federal and provincial departments, researchers, scientists, representatives of non-profit organizations and unaffiliated individuals. The Forum program included presentations, a round table, workshops and plenary sessions, which explored four main themes: biodiversity, emergency management, erosion and flooding, and infrastructures and community planning².

FOR MORE INFORMATION, PLEASE CONTACT

cbeland@iddpnql.ca

OFFICIAL WEBSITE

fnqlsdi.ca



BUILDING CLIMATE CHANGE AWARENESS DURING
A WORKSHOP IN A UASHAT MAK MANI-UTENAM SCHOOL



Decolonizing the Transition

Towards a Sustainable Canada

Foreword

The invitation to contribute to this collection of texts was originally addressed to the Assembly of First Nations Quebec-Labrador (AFNQL). However, despite the fact that the AFNQL shares many of the preoccupations underlined in the position paper *Acting on Climate Change: Solutions from Canadian Scholars*, it declined the invitation as its role is to gather in assembly the Chiefs of 43 First Nations in Quebec and Labrador. First Nations hold an Aboriginal Title and Aboriginal and Treaty Rights. First Nations are considered as equals with other governments. The Aboriginal Title and Aboriginal and Treaty Rights held by First Nations fundamentally set them apart from stakeholders such as unions, environmental or research organizations which took part in the writing of this collection of texts.

However, considering the extent of climate change impacts on First Nations, both on their territories and their communities, the AFNQL delegated the First Nations of Quebec

¹ IDDPNQL (2015). Impacts des changements climatiques sur onze Premières Nations au Québec. Wendake, Quebec, pp. 79

² IDDPNQL (2015a). Proceedings of the Forum on adaptation to climate change, The Changing Climate: Adaptation by First Nations in Quebec. Wendake, Quebec, pp. 41

and Labrador Sustainable Development Institute (FNQLSDI) to prepare this text.

We present here three fundamental issues, in the context of this national dialogue.

First Nations, a distinct jurisdiction

First Nations must be recognized as a distinct jurisdiction in the debate on the adoption of new climate policies. First Nation governments, elected by community members and therefore accountable to them, are legitimate governments. They have stated responsibilities with regards to all their citizens, regardless of their place of residence. In order to meet these responsibilities, First Nation governments may collaborate with other jurisdictions, in particular with federal and provincial governments. In the context of this collaboration, First Nations engage in government-to-government relationships with their partners³.

The Aboriginal Title and Aboriginal and Treaty Rights of First Nations mean that they have rights that are distinct from those of

³ Assembly of First Nations Quebec-Labrador (2015). Political Relationship: Assembly of First Nations Quebec-Labrador and Government of Quebec. Wendake, Quebec, pp. 25

non-Aboriginal Canadians. According to the Supreme Court of Canada, the Aboriginal Title gives rise to rights comparable to those of ownership rights. The rights stemming from the Aboriginal Title include the right to determine the use of the lands, including for non-traditional uses; the right to enjoy and occupy lands; the right to possess lands, the right to economic benefits derived from these lands; as well as the right to use, control, and manage the lands in a proactive manner⁴.

Considering the wide-ranging impacts that climate policies could have on the Aboriginal Title and Aboriginal and Treaty Rights of First Nations, in particular regarding the use of their territories, it is essential that First Nation governments be involved from the beginning in this dialogue. This involvement and mutual respect are solutions to the barriers embodied by colonialism and the exclusion of First Nations, in the context of a transition towards a Canada that is to be sustainable for all.

Equity

The position paper identifies five principles which should guide the transition process. We wish to comment on the principle of equity, to underline that it is currently absent in the debate on climate policies in Canada. First Nations are disproportionately affected by the impacts of climate change, while they contribute little to overall GHG emissions. Moreover, they bear the brunt of the impacts related to the exploitation of their territories, deriving little if any real benefit from this exploitation. Both of these situations are fundamentally inequitable.

This inequity represents a barrier to the implementation of climate policies. The solution brought forth by the FNQLSDI is

the recognition, by all jurisdictions, of the Aboriginal Title and Aboriginal and Treaty Rights, and the creation of collaboration mechanisms that are respectful, transparent and equitable. However, it is unfortunate that the foreword of the position paper, while mentioning objectives related to other governance jurisdictions (municipal, provincial and federal), fails to mention the part that First Nations could play in this dialogue.

Fighting climate change: some distinct issues

The position paper *Acting on Climate Change: Solutions from Canadian Scholars* sheds light on certain Canadian issues related to the reduction of GHG emissions for various sectors, in particular the extractive sector, electricity, transportation, construction and urban planning, as well as business development.

However, the situation of First Nations differs generally from that of non-Aboriginal communities for each of these issues, in terms of both diagnosis and potential solutions. The following paragraphs underline some of these differences and attempt to suggest solutions to facilitate the transition towards a low-carbon society.

Extractive Sector

The extraction of natural resources is a sector where the differences between First Nation and non-Aboriginal communities are particularly striking, as the extractive activities often take place on a First Nation's territory, without consultation and practically without any sharing of the benefits linked to this extraction with First Nation members. In spite of the existence of the Aboriginal Title and Aboriginal and Treaty Rights, First Nation governments have little power over the planning and authorization process of

⁴ Ibid.

the activities performed on their territory. Yet, the impacts of those extractive activities affect many aspects of a First Nation's way of life, in particular the practice of the subsistence activities on which many families rely for income. Natural resource extraction can therefore contribute to decrease the quality of life of community members. The diagnosis of natural resource extraction issues will therefore be different, according to whether one looks at a First Nation or at a non-Aboriginal community. Accordingly, the proposed solutions should be adapted to the context within which the issues are examined.

Recent Supreme Court of Canada rulings underline that the absence or insufficiency of prior consultation and accommodation processes is unacceptable, suggesting that new consultation and collaboration mechanisms will have to be implemented to respect the First Nations' Aboriginal Title and Aboriginal and Treaty Rights, in every sector of activity. These consultation and collaboration mechanisms represent solutions that will facilitate the transition towards a sustainable Canada.

Electricity

The position paper proposes to increase the capacity to transport electricity between provinces, which will involve constructing new infrastructures. However, the construction of these new infrastructures will inevitably take place on Aboriginal land. The consultation, collaboration and prior consent of the affected First Nation communities should be prerequisites to the implementation of an energy policy based on a new orientation of the electricity transport infrastructure. Moreover, the fair sharing of the benefits derived from this network restructuration represents another solution to facilitate the transition towards sustainability. In fact, First Nations should be able to profit from the use

of their territory, be it in terms of royalties, employment or training opportunities.

Furthermore, many isolated communities are not connected to an integrated electricity grid, despite the presence of high voltage cables, power plants, pipelines and mines on their territory. Their dependence on fossil fuels, on top of having negative implications in terms of GHG emissions, contributes to increased local pollution levels, impacts the health of community members and puts a strain on the local economy. In this sense, the issues of First Nations are distinct from those of non-Aboriginal communities and need to be addressed by alternative solutions. While some First Nations are already involved in the production of energy from renewable sources (e.g. solar, wind, biomass, etc.), sometimes with external partners⁵, increasing the participation of First Nations in the production of renewable energy constitutes another solution to the transition towards a low-carbon society in Canada.

Transportation

When it comes to transportation, it is imperative to underline the differences that set First Nations apart from non-Aboriginal communities. Many First Nation communities are located far from urban centres, a fact that creates specific challenges in terms of public and sustainable transportation options. This remoteness, too often coupled with reduced financial capacities, renders the search for alternative solutions complicated and requires a specific analysis. Taking the needs of small isolated communities into account when transport-related climate policies are developed represents a solution in the transition towards reducing Canadian GHG emissions in this sector.

⁵ Centre for Indigenous Environmental Resources (2006). Report 3: Impacts of Climate Change on First Nation Economies, pp. 37

Construction and Urban Planning

The on-reserve reality is very different from that of Canadian municipalities, regardless of their size. Construction criteria for houses and community buildings are generally set by government representatives and are rather removed from the needs of the communities. The reduced size of most reserves, their overpopulated status and their landlocked position limit the diversity of urban planning options available. These parameters illustrate how First Nation issues in this sector are distinct from those pertaining to municipalities. In this context, many solutions could be implemented to achieve the transition towards increased sustainability, including the elaboration of new construction and urban planning norms, established by First Nations and adapted to their reality, as well as increased federal funding, to ensure decent on-reserve living conditions, consistent with the government's fiduciary responsibilities.

Business Development

While the economy of some First Nations is of the conventional type, based on the market economy, many First Nations have a mixed economy, where subsistence activities – such as hunting, fishing, trapping and harvesting – coexist side by side with paid jobs. These subsistence activities often represent 25 to 50% of a community's economy. This reality, which already distinguishes First Nation communities from municipalities, is further complicated by major differences in terms of unemployment rates and income. In fact, most First Nations exhibit unemployment rates of 30 to 40%, while per capita income represents barely 50% of that observed in non-Aboriginal communities⁶.

6 Ibid.

Many barriers have been identified with respect to business development by First Nations, in particular: inadequate access to capital and to federal programs supporting businesses, the absence of income linked to land property, the inability to use the land as matching funds to access bank loans under the Indian Act, and the limited access to the natural resources of their territories⁷. These barriers slow the creation of First Nation jobs and businesses, which in turn limits their capacity to benefit from the opportunities that will result from the transition towards a low-carbon, sustainable economy.

Conclusion

First Nations are among the communities most impacted by climate change, both community officials and members already observing those impacts on their territory and their way of life. First Nations want to participate in the transition towards a sustainable, low-carbon Canada, to ensure that the next seven generations will be able to preserve their sacred link with the Earth. However, for this participation to be real and equitable, it must be at least based on: the respect of First Nation Aboriginal Title and Aboriginal and Treaty Rights, the conservation and preservation of resources, an equitable sharing of the management responsibilities and benefits derived from the territory, as well as the implementation of consultation and accommodation mechanisms that are both efficient and transparent.

7 Centre for Indigenous Environmental Resources (2006). Report 4: First Nations' Governance and Climate Change: Key Issues, pp. 27



ABOUT THE INITIATIVE

SUSTAINABLE CANADA DIALOGUES

This contribution is part of a collection of texts, *Acting on Climate Change: Extending the Dialogue Among Canadians*, stemming from interactions between Sustainable Canada Dialogues, an initiative of the UNESCO-McGill Chair for Dialogues on Sustainability, and business associations, First Nations, non-governmental organizations, labour groups, institutions, organizations and private citizens.

Sustainable Canada Dialogues is a voluntary initiative that mobilizes over 60 researchers from every province in Canada, representing disciplines across engineering, sciences and social sciences. We are motivated by a shared view that putting options on the table will stimulate action and is long overdue in Canada.

Together, the contributions enrich the scope of possible solutions and show that Canada is brimming with ideas, possibilities and the will to act. The views expressed in *Acting on Climate Change: Extending the Dialogue Among Canadians* are those of the contributors, and are not necessarily endorsed by Sustainable Canada Dialogues.

We thank all contributors for engaging in this dialogue with us to help reach a collective vision of desired pathways to our futures.

FOR MORE INFORMATION, VISIT OUR WEBSITE

sustainablecanadadialogues.ca/en/scd/acting-on-climate-change