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### BRIEFING NOTE

**TO:** First Nations in BC  
**FROM:** BCAFN Climate Emergency Portfolio  
**DATE:** March 9, 2023  
**RE:** **Co-developing a First Nations Climate Leadership Agenda in BC**

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#### **PURPOSE**

To inform First Nations Chiefs and Proxies about the process to co-develop a First Nations Climate Leadership Agenda in Canada and BC as part of the federal Indigenous Climate Leadership Agenda.

#### **RECOMMENDATIONS**

BCAFN recommends that Chiefs-in-Assembly support Resolution 07/2023 and mandate the Regional Chief and BCAFN staff to work with First Nations in BC and the JCCA to facilitate the co-development of the First Nations Climate Leadership Agenda in BC. The Agenda will establish a roadmap consisting of recommendations, policy directions and concrete deliverables to ensure that federal climate policy:

- is respectful and supportive of First Nations' exercise of self-determination and constitutionally protected rights;
- empowers First Nations' meaningful involvement in national climate governance; and,
- ensures appropriate federal support for First Nations, consistent with Canada's fiduciary obligations.

#### **BACKGROUND**

- In 2017, AFN Chiefs-in-Assembly (Resolution 22/2017) supported the establishment of a **Joint Committee on Climate Action (JCCA)** to act as a bilateral table between the Government of Canada and the AFN to provide them with technical on real and meaningful approaches to support sustained engagement between the Canada and First Nations on issues related to climate change based on the inclusion of Indigenous Knowledge Systems and the standard of free, prior, and informed consent (FPIC). The JCCA is not a consultation body.
- The BCAFN Regional Climate Change Coordinator is the BC technical representative to the JCCA.
- Between 2020 and 2022, the JCCA discussed the development of a **First Nations Climate Leadership Agenda (the FNCL Agenda)**. The JCCA developed a proposal for a Governance Model for the FNLC Agenda development. It outlines a series of guiding principles (including adherence to the UN Declaration and direct engagement with Title and Right – holders) and incorporated leadership oversight (including the National Chief and relevant federal Ministers), a Steering Committee of First Nation technical experts, the JCCA, and a clear accountability to First Nations Title and Right-holders, communities and governments. The outcome of this process was proposed to result in recommendations to federal and First Nations leadership (the draft Governance Model are presented in Appendix 1).
- Based on this work by the JCCA, the Government of Canada committed to co-developing an **Indigenous Climate Leadership Agenda (ICLA)** in the [Strengthened Climate Plan](#), the [Emission Reduction Plan](#), and

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**Budget 2022.** The ICLA will include distinctions-based agendas, that build regional and national capacity and progressively vests authorities and resources for climate action in the hands of First Nations, Inuit, and Métis peoples and representative organizations. The **expected outcomes from the ICLA** are organized into three main areas: **1) transfer of federal funding, 2) collaborative decision-making on climate, and 3) support for climate leadership.** Overall, the agenda intends to provide a roadmap to address barriers to exercising First Nations' self-determination in the climate space.

- E. Over the next three years, Environment and Climate Change Canada (ECCC) and Crown-Indigenous and Northern Affairs Canada (CIRNAC) will work closely with First Nations at the national, regional and local level to co-develop the FNCL Agenda. The JCCA will support the development process.
- F. In 2019, the **First Nations Leadership Council (FNLC)** was mandated to develop a **First Nations Climate Strategy and Action Plan (the BC FN Climate Strategy)**. The BC FN Climate Strategy was developed over three years and endorsed in early 2022 in the FNLC Chiefs-in-Assembly (Resolutions: BCAFN - 6/2022, UBCIC #2022-04 and FNS #0222.06.) The BC FN Climate Strategy presents a vision, guiding principles, and priorities for climate action articulated by leadership and community members from across the province.

## ANALYSIS

- G. **The FNCL Agenda is the result of many years of discussion and work between Canada and First Nations representative organizations at the JCCA.** The FNCL Agenda intends to provide a roadmap consisting of recommendations, policy directions and concrete deliverables to ensure that federal climate policy and legislation:
  - 1. is respectful and supportive of First Nations' exercise of self-determination and constitutionally protected rights;
  - 2. empowers First Nations' meaningful involvement in national climate governance; and,
  - 3. ensures appropriate federal support for First Nations, consistent with Canada's fiduciary obligations.
- H. While national in scope, the roadmap and its proposed solutions will accommodate place-based approaches, be driven by community-level objectives, and support the creation of a framework of collaboration that accounts for regional, social, cultural, and spiritual differences.
- I. **To guarantee accountability to federal and First Nations leadership** on the development process and implementation of the FNCL Agenda, a proposed Governance Model (Appendix 1) described by JCCA was recommended to continue, with the addition of Minister Miller. This model was recommended to ensure political oversight of the technical discussions **while explicitly recognizing the need to be directly informed by, and responsive to the priorities, rights, and knowledges held by First Nation Title and Rights-holders.** In this way, the distinct roles and responsibilities of Title and Right-holders were clearly recognized, while space was created to help the AFN, ECCC, and CIRNAC inform the process.
- J. **The output of the co-development process, a process that will oscillate between national and regional conversations, will consist of joint recommendations to federal and First Nations leadership** (i.e. Ministers and Chiefs). **These recommendations will be brought back to the Chiefs-in-Assembly for review and**





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**relevant mandates.** These are anticipated to be ready for review by November 2024. The JCCA will support the implementation and monitoring of the process.

- K. A Canada-wide **Steering Committee will be established** to be responsible for developing the FNCL Agenda's content and strategic direction, and validating recommendations and outcomes with the JCCA and First Nations leadership. The Steering Committee will be comprised of national and regional First Nations members of the JCCA, and ECCC and CIRNAC officials.
- L. In addition to work at the regional level and meetings of the FNCL Steering Committee, the co-development of the FNCL Agenda will include 3 national-level meetings of regional leads to support the co-development of the FNCL Agenda in the regions (at the beginning, middle and end of the process). The first national gathering in Spring 2023 will help to confirm the vision and approach to co-development of the FNCL Agenda, including national priorities, key themes, and the critical path of this work

### **First Nations Climate Leadership Agenda in BC**

- M. In British Columbia, the **FNCL Agenda is not meant to replace the BC FN Climate Strategy or its implementation.** Instead, the FNCL Agenda should complement the work undertaken by the First Nations Leadership Council to implement the strategy's pathways and actions, as mandated by Chiefs-in-Assembly in 2022.
- N. **In BC, the FNCL Agenda should identify and provide priority actions and recommendations to build a better system for climate response partnership between First Nations in BC and Canada, where First Nations exercise their self-determination and inherent rights and have a meaningful and clear role in federal policy, decision-making and governance** as outlined in the UN Declaration.
- O. **The FNCL Agenda also intends to identify improvements for how First Nations access long-term funding support to build climate capacity and develop their own self-determined climate responses.** With the BC FN Climate Strategy as a starting point, the FNCL Agenda development process would engage First Nations in BC to:
  - Prioritize First Nations' interests in climate action to inform Canada's policy and funding allocation.
  - Identify solutions to barriers and leverage opportunities to accessing federal climate funding.
  - Define mechanisms to ensure First Nations' meaningful participation in the federal climate decision-making processes and policy development grounded in recognizing First Nations' right to self-determination and sovereignty and the common need to build genuine relationships with Canada for climate action and reconciliation.
  - Provide recommendations about First Nations' expectations for a long-term path forward to strengthen First Nations climate leadership in BC as outlined in the vision statement presented in the BC FN Climate Strategy.
  - Strengthen the BC FN Climate Strategy by validating the priority objectives and actions to support the Strategy's implementation.
- P. **Co-developing the FNCL Agenda in British Columbia requires meaningful engagement with First Nations Title and Rights-holders, First Nations organizations and coordination with the First Nations Leadership Council.** To ensure the FNCL Agenda will be developed in a good way, BCAFN would convene a Steering

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Committee or Advisory Group in BC to guide the co-developing process. Furthermore, to support good quality engagement, BCAFN would prepare *co-development approach criteria* to guide the engagement activities based on the Governance Model principles (Appendix 1), best practices and after consultation with First Nations experts and knowledge holders. Using these criteria and innovative methodologies and tools, BCAFN would engage First Nations governments, First Nations organizations and community members, including youth, women, 2SLGBTQIA+ and particularly Elders, to co-develop the FNLC Agenda through activities such as intergenerational dialogue circles, workshops, thematic focus groups, interviews, a larger virtual First Nations gathering and other means. BCAFN would present a progress update on developing the FNLC Agenda to Chiefs-in-Assembly in early 2024 and a final draft in early 2025.

All the elements of the FNLC Agenda in BC will be informed by communities' on-the-ground experience of climate change, their daily realities and their priorities. All aspects of the agenda will be explicit in how they contribute to meaningful improvements for communities. In addition, the co-development process will be transparent and inclusive, with federal officials maintaining open lines of communication with Title and Rights-holders on the ground. BCAFN, through the BCAFN Regional Climate Change Coordinator, will facilitate communication and engagement on the ground.

## APPENDIX 1

First Nations Climate Leadership Agenda. **Draft Governance Framework**



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# First Nations Climate Leadership Agenda

## Draft Governance Framework

### What is this document?

In November 2020, Canada's *A Healthy Environment and a Healthy Economy* plan confirmed the government would “partner with First Nations [...] to set an agenda for climate action and a framework for collaboration”, which is intended to position Indigenous climate leadership as a cornerstone of Canada's strengthened climate plan.

In June 2021, First Nations-Canada Joint Committee on Climate Action (JCCA) members met to discuss the co-development of the First Nations Climate Leadership Agenda. While highlighting the importance of this initiative, members noted limitations pertaining to the involvement of rights-holders, accountability to federal and First Nation leaderships, and identified other barriers that could prevent the successful co-development of the agenda.

The 2030 Emissions Reduction Plan and Budget 2022 announced new investments to support Indigenous Climate Leadership. This includes \$29.6 million over three years, starting in 2022-23, to support the co-development of an Indigenous Climate Leadership Agenda to support self-determined action in addressing Indigenous peoples' climate priorities. The funding will also support the phased implementation of distinctions-based climate strategies.

Over the next three years, Environment and Climate Change Canada (ECCC) and Crown-Indigenous and Northern Affairs Canada (CIRNAC) will work closely with First Nations at the national, regional, and local level to co-develop the First Nations element of this Agenda: a First Nations Climate Leadership Strategy.

This document seeks to outline a jointly developed governance model to support this work that is conducive to success. It is the first step in the co-development process.

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# 1. Objectives, scope, and relationship to other initiatives

## 1.1 Objectives

To create a governance framework supporting the co-development of an agenda for climate action and a framework for collaboration, hereafter referred to as the First Nations Climate Leadership Agenda (FNCL Agenda).

The FNCL Agenda will provide a roadmap, consisting of recommendations, policy directions and concrete deliverables, to ensure that federal climate policy:

- Is respectful and supportive of First Nations' exercise of self-determination and constitutionally protected rights;<sup>1</sup>
- Empowers First Nations' meaningful involvement in national climate governance; and,<sup>2</sup>
- Ensures appropriate federal support for First Nations, consistent with Canada's fiduciary obligations to First Nations.<sup>3</sup>

As a results-oriented and evolving collaboration framework, the FNCL Agenda will also inform the implementation of Canada's statutory requirements to engage with First Nations under the *Canadian Net-Zero Emissions Accountability Act*.

## 1.2 Scope

The FNCL Agenda is a federal commitment to strengthen the government's partnership with First Nations in relation to climate change through the co-development of national solutions. It is grounded in the recognition that First Nations' successful response to climate change is inseparable from a legal and policy environment that is free of barriers, enabling in nature, and attuned to First Nations' worldviews.

The FNCL Agenda is not meant to replace the development or implementation of climate strategies and actions by and for First Nations, nor is it meant to replace federal climate initiatives established across departments. Rather, the agenda will provide a roadmap to address the root causes of barriers to the exercise of First Nations' self-determination in the climate space.

While national in scope, the roadmap and its proposed solutions will accommodate place-based approaches, be driven by community-level objectives, and support the creation of a framework of collaboration that accounts for regional, social, cultural, and spiritual differences. The FNCL Agenda will evolve in tandem with First Nations' exercise of climate leadership and self-determination, reflecting evolving practices and worldviews.

## 1.3 Linkages and whole-of-government approach

The co-development of the FNCL Agenda is intended to inform all federal climate measures moving forward, notably the Indigenous Climate Leadership Agenda initiative. Explicit linkages will also be made with flagship federal initiatives throughout its development, including Canada's National Adaptation Strategy; carbon pollution pricing and return of revenues to First Nations in backstop jurisdictions; Emissions Reduction Plans and 2050 5-year GHG-reduction milestones; conversation and protection of biodiversity; and National Infrastructure Assessment, Indigenous Guardians, Indigenous Protected and Conserved Areas, and Addressing the Critical Infrastructure Gap by 2030.

To facilitate a coordinated approach to federal-First Nations engagement, representatives from existing engagement forums or advisory bodies of relevance to the JCCA's work will be invited to

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<sup>1</sup> Whereby "self-determination" includes the recognition that First Nations exist outside of federal arrangements and relationships and that federal perspectives and approaches to partnership with First Nations need to be founded on recognition of rights, respect, and co-operation. This means working with First Nations, guided by the *United Nations Declarations on the Rights of Indigenous Peoples*, to open a menu of new institutional arrangements enabling climate solutions by and for First Nations. Arrangements could range from self-government (i.e. legal agreements), to self-administration (i.e. devolution), to continued collaboration with federal departments (i.e. federal programs). This work extends to the removal of barriers to self-determination in relation to climate (i.e. legal, administrative, policy, financial, jurisdictional, etc.). Also, for involvement to be meaningful, the federal government needs to acknowledge and open space for First Nations-led processes, as well as First Nations' participation in federal decision-making.

<sup>2</sup> Whereby "meaningful involvement" refers to the active contribution of First Nations in policy decisions of national or regional interest (e.g. GHG emission reduction target and measures). Central to these efforts is the recognition of First Nations' knowledge systems and opening up space for First Nations-led processes and decision-making as an essential part of a successful national response to climate change. In practice, this could include new arrangements for shared decision-making, development of new mechanisms for nation-to-nation partnerships, adopting permanent models of engagement, support for the mobilization of First Nations knowledge systems in national dialogues, First Nations-led climate research, etc.

<sup>3</sup> Whereby "appropriate" refers to the alignment of federal support (e.g. programs, funding opportunities) with First Nations climate priorities, as expressed at the national, regional or local levels. This also means applying the decision-making guidance, best practices for engagement, program design, and implementation across federal measures, while streamlining how Canada offers support to First Nations.

contribute to the co-development process, and information on the FNCL Agenda will be proactively shared with them on a regular basis.

## 2. Guiding principles

### 2.1 United Nations Declaration on the Rights of Indigenous Peoples

First Nations' climate priorities, self-determination and the *United Nations Declaration on the Rights of Indigenous Peoples*, including Free, Prior and Informed Consent, will guide all aspects of the co-development process. This extends to federal obligations stemming from the *United Nations Declaration on the Rights of Indigenous Peoples Act*.

### 2.2 First Nations Knowledge Systems and Ethical Space

The co-development of the FNCL Agenda will be held in a safe, mutually respectful, shared, and collaborative space known as an Ethical Space. The application of Ethical Space will ensure the goals of the FNCL Agenda are achieved, while honouring distinct First Nations and Western knowledge systems throughout the process. The inclusion of, and active support for First Nations knowledge systems along with Western knowledge systems in the FNCL Agenda will produce outcomes that are conducive to both rights- and title-holders and federal officials. Though very diverse in nature, First Nations knowledge systems are often embedded in place, the land, language, stories, histories, and legal traditions, which will provide essential perspectives in the FNCL Agenda to promote self-determination and First Nations-informed climate action.

### 2.3 Direct engagement with rights and title-holders

Rights holders, communities and governments are the main beneficiaries of the FNCL Agenda and those primarily concerned by its development and implementation. While improvements to First Nations' wellbeing in relation to climate change are expected to flow indirectly from the development of the FNCL Agenda, the unrestricted participation of rights- and title-holders is understood to be a prerequisite for success.

The JCCA can be a catalyst for engagement with regions, First Nations governments, tribal councils, and right-holders, but the committee does not, in itself, replace direct engagement with rights- and title-holders. Federal officials must deploy additional efforts to interact directly with First Nations and establish lasting relationships, thus implementing a process that is community-led, regionally facilitated, and nationally coordinated.

### 2.4 Mandate of federal officials

Federal officials must preserve the discretion of Cabinet, the Minister of Finance, and the Prime Minister at all times, and must work within their mandate, policy directions, [code of values and ethics](#), and applicable legislative and regulatory frameworks (e.g. [Financial Management Act](#)). Although this means federal officials will be unable to provide certainty about the outcome of the co-development process, this does not compromise officials' commitment to transparency, accountability, and upholding the principles of an Ethical Space.

### 2.5 Appropriate timelines

Members will strive to co-develop and implement all elements of the FNCL Agenda by November 2023, while providing flexible timelines that respond to the evolving realities of First Nations. The development will unfold in a staged approach, with priority being given to elements that have the potential of delivering the most meaningful and rapid improvements to First Nations' experience of climate change (e.g. capacity funding). While being deliberate and without compromising the quality of the process, JCCA members understand the importance of rapid and transformative changes.

### 2.6 Fiscal stewardship

Federal officials will need to consider the fiscal context throughout the co-development of the FNCL Agenda, including in any co-developed funding submissions. In practice, this implies that recommended measures and resource needs must be prioritized and documented, and be as efficient and effective as possible in achieving desired objectives. Equally important is the consideration of historical gaps in funding for First Nations, and the ongoing impacts of colonization on First Nations' prosperity.

### 2.7 Legacy of colonization and land dispossession

The co-development of the FNCL Agenda will be informed by and will contribute to remedy the legacy of colonization and the resulting socio-economic conditions, historical underfunding of First Nations, and dispossession of First Nation lands. At the same time, participants understand that the

scope of the initiative, and any solutions that may ensue, will be primarily targeted at addressing climate change and its negative impacts on First Nations' wellbeing.

## 3. Governance model

### 3.1 Leadership oversight

The immediate output of the co-development process will consist of joint recommendations to federal and First Nations leaderships (i.e. Ministers and Chiefs). Subject to the agreement of leaders, the JCCA will support the implementation and monitoring of their joint decisions.

The AFN, ECCC, and CIRNAC will work with their respective leadership to organize a minimum of one meeting of leaders at the beginning, middle, and end of the co-development process. The Minister of Environment and Climate Change and the Minister of Crown-Indigenous Relations will be the lead representatives of the Government of Canada at these meetings and will act as the sponsoring Ministers of the FNCL Agenda. This does not preclude the participation of other Ministers.

In addition, the JCCA will report on the development and implementation of the FNCL Agenda through its Annual Report to the Prime Minister and the National Chief, and will invite the Prime Minister and the National Chief to discuss the advancement of the agenda at the Permanent Bilateral Mechanism.

### 3.2 Steering Committee

The Steering Committee will be responsible for developing the FNCL Agenda's content and strategic direction, and validating recommendations and outcomes with the JCCA and appropriate leaderships.

The Steering Committee will be overseen by the co-chairs of the JCCA, and the Senior Assistant Deputy Minister of CIRNAC's Northern Affairs Organization. At their discretion, the Committee will be comprised of national and regional First Nations members of the JCCA, and ECCC and CIRNAC officials. With AFN's approval, ECCC or CIRNAC may invite officials from other departments to contribute to the Steering Committee.

### 3.3 First Nations – Canada Joint Committee on Climate Action (JCCA)

The JCCA will oversee the work of the Steering Committee, including the co-development of the FNCL Agenda, the implementation of solutions, and outcomes for First Nations. In doing so, the JCCA will continue to report to the National Chief and the Prime Minister on an annual basis. The JCCA may invite external participants and observers, including representatives from provincial and territorial governments when appropriate.

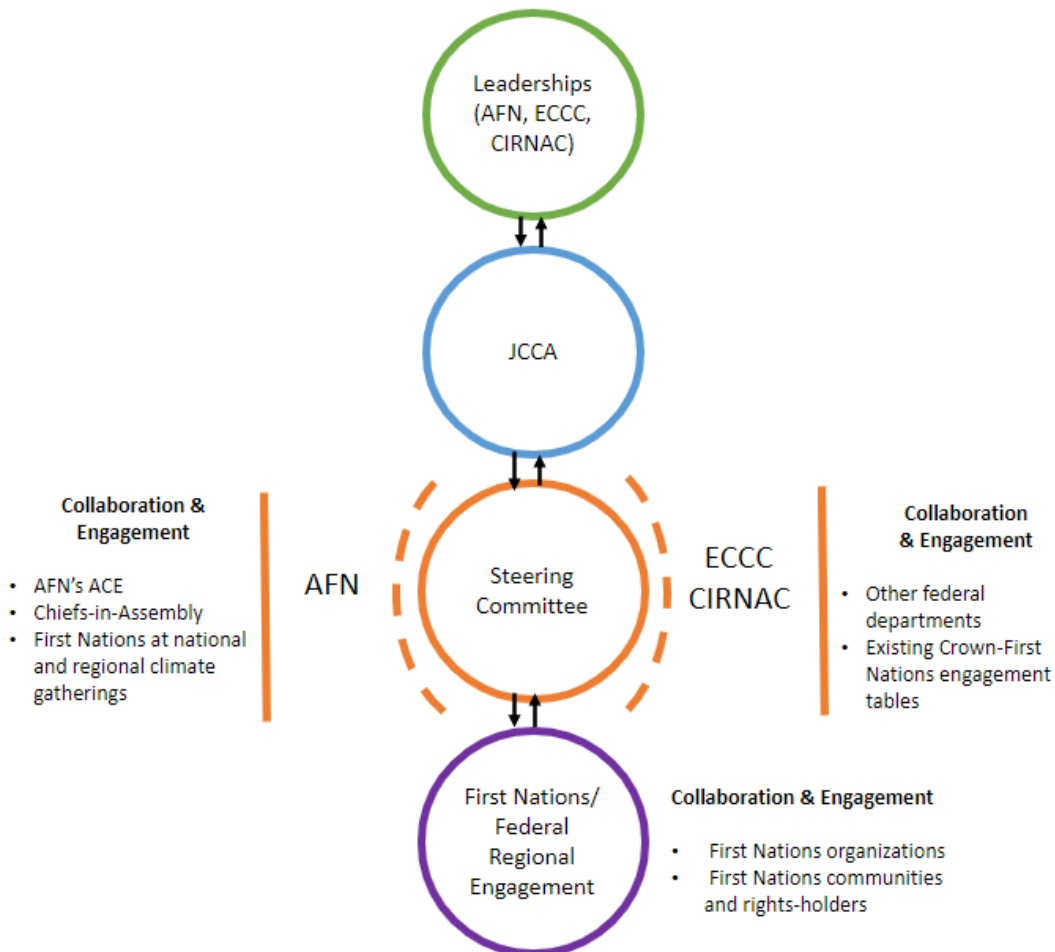
### 3.4 First Nations rights holders, communities and governments

The AFN, ECCC, and CIRNAC will ensure that the co-development of the FNCL Agenda is informed by, and responsive to, the priorities, rights, and knowledge held by First Nations rights holders, communities, and governments. CIRNAC and ECCC, on behalf of the Government of Canada, and the Assembly of First Nations will each conduct engagement with First Nations, together and separately, as needed, to support the co-development of the FNCL Agenda.

The co-development of the FNCL Agenda will be leveraged to open up a space for First Nations to reflect on their experience of climate change, define their needs, and develop their own solutions. Engagement will be leveraged to generate momentum for climate action, providing First Nations with the time and resources needed to advance their own work.



Figure 1: Governance framework for the FNCL Agenda



A diversity of actions will support the engagement of rights-holders throughout the development process, including but not restricted to the following:

- JCCA activities
  - Subject to the agreement of First Nation hosts, and as permitted by public health guidelines in the context of the COVID-19 pandemic, the JCCA will meet on the lands of First Nations communities as often as possible.
- Joint federal/First Nations engagement activities:
  - Federal officials, in partnership with First Nations regional members, will hold in-person regional visits, engagement sessions, and workshops when possible and according to public health guidelines.
  - Information on the development of the FNCL Agenda will be made available online, and will be proactively shared with an evolving list of individuals and communities. A platform for two-way communication will be established to enable regular feedback (e.g. JCCA mailbox, online engagement platform, open teleconferences). Information will be disseminated in ways that reflect First Nations' traditions, including through visuals and storytelling.
  - Information on the development of the agenda will be integrated in all federal climate engagement initiatives with First Nations, thus ensuring that specific engagement activities are informed by efforts made to advance self-determination.
- First Nations engagement activities:
  - Members of the JCCA will identify opportunities for in-person interactions, and may support the participation of federal officials in First Nation events when appropriate (e.g. side events, National Climate Gathering, regional gatherings).

The Steering Committee will assess the involvement of rights- and title-holders according to the following, non-exhaustive principles:

- All elements of the FNCL Agenda will be informed by communities' on-the-ground experience of climate change, their daily realities and their priorities. This will require communities to have access to resources and communication channels to articulate those needs;
- All aspects of the agenda will be explicit in how they contribute to meaningful improvements for communities. The JCCA will measure progress against First Nations' climate strategies and local priorities;
- Perspectives from self-governing First Nations, First Nations communities, First Nations climate experts, and a diversity of rights-holders must inform all elements of the FNCL Agenda;
- The co-development process must be transparent and inclusive by default, with federal officials maintaining open lines of communication with rights- and title-holders; and,
- With support from regional coordinators, federal officials will meet First Nations on the ground, in their communities, to discuss their experience of climate change and the solutions they envision for their communities. Learnings from these dialogues will be reflected in all elements of the FNCL Agenda.

## 4. Next steps

In addition to existing resources and contribution agreements established to support engagement in the Pan-Canada Framework on Clean Growth and Climate Change, CIRNAC will make funding available on an annual basis from 2022-23 to 2024-25 to support the co-development process, utilizing Budget 2022's investment in Indigenous Climate Leadership.

The Steering Committee will make recommendations on the allocation of available funding on an annual basis. Federal officials are required to respect governmental standards and procedures pertaining to the administration of public fund.

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