



The Assembly of First Nations

Submission on the review of the Facilitative Working Group of the Local Communities and Indigenous Peoples Platform

Background

The Assembly of First Nations (AFN) is the national, political organization of First Nations governments and their citizens, including those living on and off reserve, in what is currently known as Canada. The First Nations-in-Assembly have been active with respect to climate change at the regional, national, and international levels, most recently adopting Resolution 36/2023, *Urgent and Transformative Climate Action through the AFN National Climate Strategy*¹, resolving to, among other things:

Direct the AFN to use the AFN National Climate Strategy in national and international contexts as an advocacy tool, including with the United Nations Framework Convention on Climate Change and the Intergovernmental Panel on Climate Change (IPCC).

Introduction

Over the last six years, the AFN has been an active participant in the negotiation and implementation of the Facilitative Working Group (FWG) of the Local Communities and Indigenous Peoples Platform ('the Platform'), including as a participant in negotiations on its creation, operationalization, and implementation. In addition, a representative of the AFN has been appointed as the Indigenous member for the North American region since 2021.

During this time, the AFN has been developing the concept of a First Nations Climate Lens ('Climate Lens') to broadly describe how we approach the myriad impacts of climate change. The Climate Lens illustrates how the experiences and interconnections of First Nations cannot be overlooked when contemplating climate related solutions for (or by) First Nations. Figure 1 illustrates how the Climate Lens brings together four areas of consideration – Natural Law, Actions, Impacts, and Context – to bring into focus what First Nations climate solutions look like. The work of the FWG, and by extension the Platform, is about creating space for these solutions within the UN Framework Convention on Climate Change (UNFCCC), in a way that respects the rights, knowledge systems, and self-determination of First Nations.

¹ For more information about the AFN National Climate Strategy, as well as its' seven priority areas, please refer here: <https://afn.ca/environment/national-climate-strategy/>

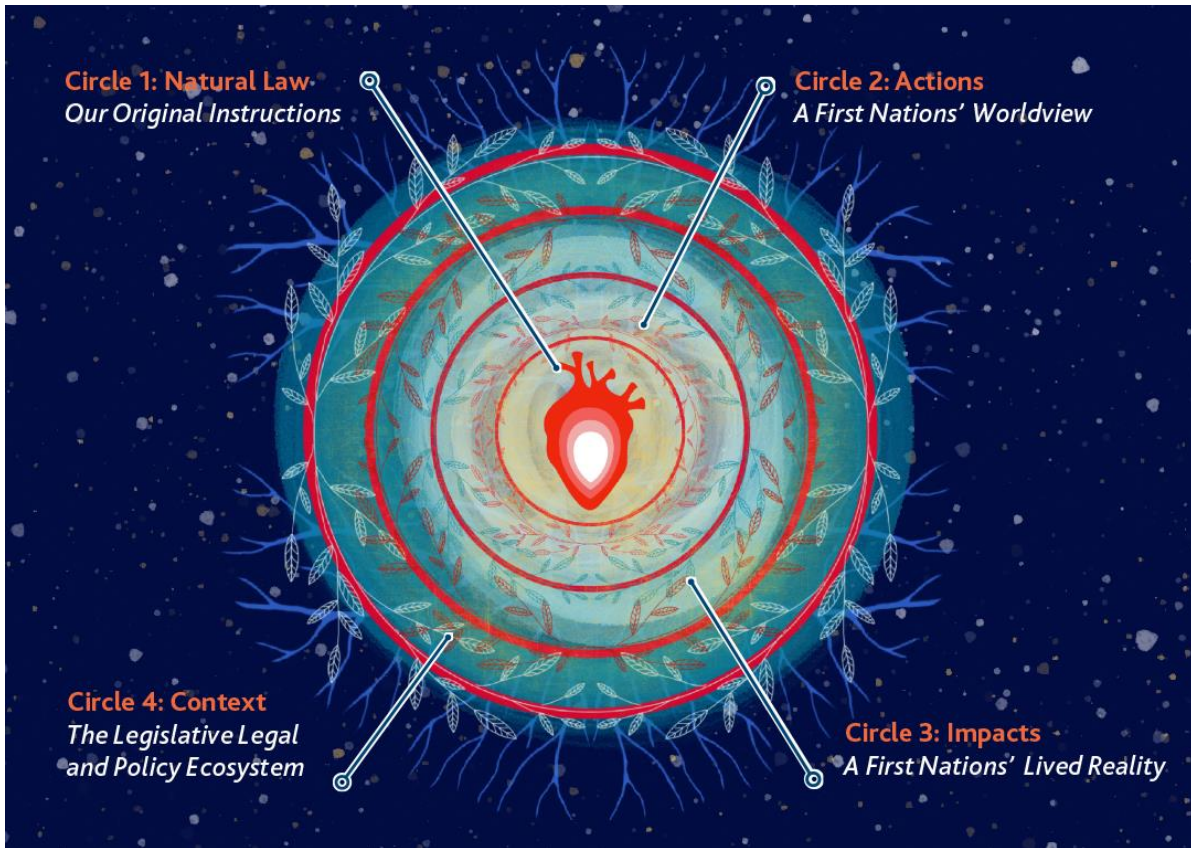


Figure 1: First Nations Climate Lens: *Eruoma Awashish prepared this image. Eruoma is an Atikamekw Nehirowisiw mother and artist who is committed to her nation. She works in a variety of mediums, including painting, installation, performance, video, silkscreening and traditional dance. Awashish grew up in the community of Opitciwan. She is now established in Pekuakami (Lac-Saint-Jean), and her studio is located in the Innu community of Mashteuiatsh. She holds an interdisciplinary Bachelor of Arts from the University of Quebec at Chicoutimi*

A full description of the Climate Lens is outlined in AFN's National Climate Strategy², however, the four circles represent the following:

Circle 1: Natural Law: Our Original Instructions: Natural Law is a set of laws that originate directly from the Creator, based in our diverse languages, oral histories, and ceremonies, to govern how we must interact with the Land, Water, and more-than-human relatives to ensure balance and reciprocity.

Circle 2: Action: A First Nations' Worldview: First Nations-led solutions are multidimensional, interrelated, interconnected, and grounded in First Nations spiritualities, legal systems, knowledges, languages, and governances. We understand that we are one with the Land and Water.

Circle 3: Impacts: The First Nations' Lived Reality: In Canada, climate conversations often disregard the historical legacy of colonization which impacts the lived reality of First Nations today. This must be understood and incorporated into analyses of the distribution

² For a full description of the First Nations Climate Lens, please refer to the AFN National Climate Strategy referenced above, and refer to a video from the Gathering here: <https://www.youtube.com/watch?v=iCZh6uYTh1E&t=2s>.

FOR DISCUSSION PURPOSES

and experience of climate-related impacts, which cannot be separated from the broader project of First Nations self-determination and reconciliation.

Circle 4: Context: The Legislative, Legal and Policy Ecosystem: For First Nations, climate action is a rights- and Inherent responsibilities-based activity to be established, mandated, and implemented within First Nations governance, and working in concert with colonial legislative, legal, and policy contexts at the federal, provincial, territorial, and international level.

With the Climate Lens in view, we turn our minds to discussing the FWG and the Platform, in preparation for its review at the twenty-ninth Conference of the Parties (COP 29), in 2024.

Achieving the FWG Objectives

The FWG has supported its mandate to operationalize the Platform and its three functions: knowledge exchange, capacity for engagement, and climate policies and actions. A key element of this mandate has been the establishment of a formal space, through FWG meetings, for the knowledge systems, rights, and values of Indigenous Peoples to be formally recognized at the UNFCCC. The FWG is the only constituted body that has equal representation between self-selected Indigenous Peoples and Party representatives and has been successful in building relationships those representatives. The review must not disrupt this careful balance and the identified principles by the International Indigenous Peoples Forum on Climate Change (the Indigenous Peoples Caucus, or Constituency, within the UNFCCC) in Decision 2/CP23:

...full and effective participation of indigenous peoples; equal status of indigenous peoples and Parties, including in leadership roles; self-selection of indigenous peoples representatives in accordance with indigenous peoples' own procedures; and adequate funding from the secretariat and voluntary contribution.

Since the first meeting in 2019, participation by Indigenous Peoples has grown substantially, representing the importance of this dedicated space for Indigenous Peoples. It has been challenging, however, to adapt Indigenous ways of working and organizing into the bureaucratic and hierarchal structures of the UNFCCC. This is magnified by a deference to the Party driven process, which has limited the ability of Indigenous Peoples to act and exercise their self-determined priorities. Indigenous representatives often experience push back to their proposals, requiring them to fit with the strict rules and procedures of the UNFCCC. The planning of the North American Latin American and Caribbean (NA/LAC) bi-Regional Gathering, for instance, has forced Indigenous Peoples to participate as outside of Party-UNFCCC relationships, who are focused more on legal negotiations, than hosting the Gathering to create more space for First Nations. Unnecessarily complicated rules and procedures should not get in the way of progress that can be made at the FWG and with the Platform in advancing its work consistent with its objectives to support Indigenous Peoples within the UNFCCC.

Given these factors, and the realities of a Party-driven process, important discussions at the FWG have not yet substantially influenced UNFCCC decision-making. Despite the growing representation of Indigenous Peoples within the UNFCCC, the FWG continues to struggle with translating its solutions into negotiations at the UNFCCC. This includes areas such as mitigation (e.g., Global Stocktake), adaptation (e.g., Global Goal on Adaptation), Loss and Damage, and climate finance. The FWG must consider additional ways to ensure that the rights, knowledge systems, and governance of Indigenous Peoples tangibly influence the direction and outcome of

negotiations, including through their direct participation. The engagement of Indigenous Peoples is not an outcome in itself, but only a means to an end that could see a more positive, just, and equitable future for Indigenous Peoples and our planet – Mother Earth.

Implementing the Platform's Functions

The three functions of the Platform are broadly sufficient to advance the vision and aspirations of First Nations within the UNFCCC, as captured in the updated FWG's vision. In particular, the Annual Knowledge Holder's Gathering and the Annual Youth Roundtable (Activities 1 and 8) have been important opportunities to build dedicated space for the knowledge systems and worldviews of Indigenous Peoples within the UNFCCC, and at the COP. The next Workplan should identify additional ways to bring outcomes from these events into negotiations, as well as core operating procedures and negotiations of the UNFCCC.

The emphasis on ethical and equitable engagement with Indigenous knowledge systems, captured within Activity 4, has been constructive to map out what Indigenous knowledge is, and how to avoid its blatant tokenization or misappropriation. The UNFCCC is not yet at the point where Parties to these negotiations understand what these knowledge systems represent, nor how to interact with them beyond the superficial inclusion of new 'data' as applied in a non-Indigenous context. For example, an overemphasis on the inclusion of Indigenous knowledge without the requisite inclusion of Indigenous Peoples as decision-makers will not translate into a commitment to ethical and equitable engagement. The development of an Ethical Protocol, first adopted by the FWG and then adopted by the COP/CMA, may help standardize this ethical process throughout the work of the FWG, as well as through the UNFCCC in its entirety.

On climate policies and actions, the First Nations Climate Lens (outlined above) has much to add to the process. For instance, AFN's position paper for COP 27, [Setting First Nations Expectations for COP 27](#), outlined the implications of the Climate Lens for the understanding and implementation of mitigation and adaptation. AFN's position paper for COP 28, *Advancing and Affirming First Nations Climate Leadership at COP 28*, built on this experience, using the Climate Lens to unpack the Global Stocktake. The Climate Lens can be used to amplify and create space for First Nations and aid in the development of solutions that advance both decarbonization and decolonization. These types of recommendations, as well as those recommendations developed by the FWG in the context of the report of the 5th meeting of the FWG³, can make tangible contributions to the UNFCCC, if given the space. Parties and relevant bodies and processes under and outside the Convention must engage seriously with First Nations rights, knowledge systems, and governance in the development of relevant climate policies and actions, including Nationally Determined Contributions (NDCs). Broadly speaking, a strong focus on the quality of deliverables, captured through meeting summaries, policy briefs, and recommendations, can be used to ensure the priorities of Indigenous Peoples are appropriately included in the work of the FWG and the development of the next three-year workplan.

Despite best efforts, resources for the implementation of the activities within the Platform are limited, both with respect to the capacity of the UNFCCC Secretariat supporting the work, but also for the participation of FWG members in the meetings themselves. FWG members who are not Party representatives (e.g., Indigenous representatives) often struggle with accreditation

³ [FWG 5 report.pdf \(unfccc.int\)](#)

throughout the duration of a COP and must be supported to attend the full meetings to advance important relationships with actors within the UNFCCC.

Path Forward

The AFN is grateful for the opportunity to contribute to the review of the FWG and the overall work of the Platform. Considering the contributions of the Climate Lens to this work, we would like to close with three reflections for our collective work:

First, the FWG should be seen as a positive step towards the enhanced participation of First Nations within the UN System. As the first constituted body with equal representation of States and Indigenous Peoples, the institutional credibility created by the FWG must be used to continue advancing the aspirations of First Nations to participate as self-determining Nations, in line with the minimum standards contained within the UN Declaration.

Second, the FWG must reaffirm the UNFCCC's obligation to the distinct status and rights of First Nations, as rights-holders, in all discussions. Any false equivalencies or conflation of First Nations with minority groups, local communities, or ethnic groups slowly erodes the interrelated, interdependent, and indivisibility of First Nation rights. These practices must aim to support First Nations as rights-holders and uphold Parties' obligations to the rights of Indigenous Peoples.

Third, we cannot lose sight of the overall objective of this work: averting catastrophic climate change. All activities, deliverables, and proposed modalities must be examined through this lens to ensure that it contributes to supporting First Nations and Indigenous Peoples on the ground. Only then can we hope to succeed.