Assembly of First Nations

Submission to the Standing Senate Committee on Energy, the Environment and Natural Resources (ENEV)

Impacts of the Greenhouse Gas Pollution Pricing Act
(Bill C-74 - An Act to implement certain provisions of the budget tabled in Parliament on February 27, 2018 and other measures) on First Nations

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Introduction

The Greenhouse Gas Pollution Pricing Act was introduced by the Minister of Finance in Part 5 of Bill C-74, An Act to implement certain provisions of the budget tabled in Parliament on February 27, 2018 and other measures. This Act confers authority to the provinces and territories to enact greenhouse gas pollution (GHG) pricing schemes with the intention of lowering greenhouse gas emissions across all jurisdictions. GHG pollution pricing may consequently affect the price of gasoline and other products based on or transported by fossil fuels through both direct and indirect mechanisms.

In this submission, the Assembly of First Nations (AFN) is proposing a series of amendments and recommendations that are critical to the operationalization of the “nation-to-nation” relationship between the federal government and First Nations, as well as the fulfillment of the Crown’s obligation to protect and uphold First Nations’ inherent and constitutionally protected rights in the context of GHG pollution pricing as proposed in Bill C-74. Specifically, the AFN recommends that the Committee address:

a) The procedural concerns of First Nations respecting the lack of meaningful engagement in the review of this Bill, including the absence of funding and capacity support to review and study impacts of the Act.


c) The lack of clear entry points for First Nations, as governing authorities (with inherent rights, title and jurisdiction), to generate revenue from the proposed carbon levy (resource revenue-sharing), including through the creation of First Nations Carbon Regimes.

d) The disproportionate burden of GHG pollution pricing for First Nations, especially those in remote locations and/or that are dependent on diesel electricity generating systems, and the lack of exemption considerations.

The AFN is mandated by Chiefs-in-Assembly to voice First Nations concerns regarding the issue of GHG pollution pricing by Resolution 09/2017, Develop First Nations-Specific Solutions for the Green House Gas Pollution Pricing Act and 103/2017, Carbon Pricing Regimes. This resolution directs the AFN to advocate to Ministers involved in GHG pollution pricing to respect First Nations inherent rights, Treaties, title and jurisdiction, and recognize First Nations inherent responsibilities to their traditional territories; call on ministers to provide adequate financial support for First Nations to explore the implications of GHG pollution pricing on their territories, as well as opportunities for their participation in the clean energy economy; and call on Premiers to design GHG pollution pricing regimes that include revenue recycling options that ensure
First Nations’ full and meaningful participation in the transition to a clean energy economy.

Despite the federal government’s stated full support of the UN Declaration and its meaningful implementation, Canada has not ensured a meaningful entry point for First Nations’ participation effectively excluded from the design and implementation of provincial and territorial systems. First Nations must be partners in the design and implementation of the GHG pollution pricing system in the federal approach, as well as in the mechanisms developed at the provincial level since it is the responsibility of the provinces to implement the GHG pollution pricing system for their jurisdiction. Furthermore, First Nations will require capacity funding to participate in carbon markets to cover legal costs, indigenous knowledge work, technical support to develop and register carbon offsets as well as funds to support mitigation, adaptation, protection and inclusion. A distinctions-based approach is needed to ensure that the unique rights, interests and circumstances of First Nations are acknowledged, affirmed, and implemented.

1. Address the Procedural Concerns expressed by First Nations

The failure of Canada to meaningfully consult with First Nations, when legislation that may affect them is being considered, is a pervasive problem that leads to many unnecessary and costly legal battles. If Canada is to engage with First Nations on a truly nation-to-nation level, the current framework pertaining to the Crown’s duty to consult and its international obligations must be fundamentally overhauled. There must be consultations at the earliest stages of the legislative process and discussion on how First Nations governments can be engaged and consulted in a manner that is respectful of their unique protocols and processes. One example of this occurred in 1998, when then Minister of Environment, David Anderson, established an Aboriginal Working Group to the Species-at-Risk Act (SARA) that allowed First Nations’ full, direct, and unfettered participation to the legislative process, including reviewing clause-by-clause the precursors to the SARA.

The duty to consult, as an aspect of the Crown’s obligations to respect and protect the Treaty and inherent rights and title affirmed by Section 35 of the Constitution Act of 1982, has been progressively elaborated on by court rulings over the past 30 years. The current test contains four parts and was established in Haida Nation v. British Columbia (Minister of Forests), 2004 SCC 73, [2004] 3 S.C.R. 511 (1). The test proceeds as follows:

(1) The Crown has knowledge, real or constructive, of the potential existence of an Aboriginal or treaty right, and (2) contemplates conduct that (3) might adversely affect it (Haida Nation, at paragraph 35).

Section 35 case law has identified a spectrum of what can be required for the Crown to meet its duty to consult and accommodate; and this can vary depending on various
factors. The spectrum includes consent. A question respecting the scope and content of that duty in the legislative process is now before the Supreme Court of Canada.

In addition, the UN Declaration articulates the state of international human rights law concerning State obligations to Indigenous peoples in regard to cooperation, consultation and the standard of free, prior and informed consent. Again, contextual factors are important in determining how the minimum human rights standards of the UN Declaration would apply in a legislative context potentially impacting Indigenous peoples. Several of the UN Declarations articles are relevant to the legislative development of this Bill:

**Article 19**
States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

**Article 3**
Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

**Article 18**
Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

**Article 20**
1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Canada’s global commitments and obligations regarding human rights as well as those specific to sustainable development require structures and processes developed in cooperation with Indigenous peoples to acknowledge, affirm and implement First Nations rights in the development of any greenhouse gas pollution pricing scheme. We note, for example, that a strong principle of inclusivity runs through *Transforming our World: the 2030 agenda for sustainable development*.

Leaving First Nations governments out of the revenue benefits of greenhouse gas pricing schemes are not consistent with the objective to “leave no one behind”.

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Acknowledging that climate change is a common concern of humankind, signatories to the 2015 Paris Agreement have agreed to combat climate change and intensify investments needed for a sustainable low carbon future. Article 7 of the Paris Agreement acknowledges that measures to address climate change should be based on and guided by the best available science and indigenous knowledge. The AFN maintains that further consultations with First Nations are required on appropriate amendments to Bill C-74 to ensure that First Nations perspectives on the GHG pollution pricing regime will appropriately address and mitigate climate change impact to the ecosystems on which First Nations rely on.

Furthermore, on March 3, 2016, Canada’s First Ministers signed the Vancouver Declaration on Clean Growth and Climate Change, the precursor to the Pan-Canada Framework on Clean Growth and Climate Change, committing to develop a “Pan-Canadian” strategy to meet Canada’s international climate commitments under the Paris Agreement. The opening paragraph reads:

“Canada stands at the threshold of building our clean growth economy. This transition will create a strong and diverse economy, create new jobs and improve our quality of life, as innovations in steam power, electricity and computing have done before. We will grow our economy while reducing emissions. We will capitalize on the opportunity of a low-carbon and climate-resilient economy to create good-paying and long-term jobs. We will do this in partnership with Indigenous peoples based on recognition of rights, respect and cooperation.”

In this declaration, the First Ministers committed to deliver mitigation actions by transitioning to a low carbon economy and adopting a broad range of domestic measures including greenhouse gas pollution pricing mechanisms adapted to each province’s and territory’s specific circumstances, addressing in particular the realities of Canada’s Indigenous peoples and Arctic and sub-Arctic regions. They also committed to enhance cooperation by recognizing that in the Paris Agreement, Parties agreed that they should, when taking action to address climate change, recognize and respect the rights of Indigenous peoples; and to strengthen pan-Canadian intergovernmental cooperation and coordination on clean growth and climate change, in collaboration with Indigenous peoples.

First Nations have expressed concern about the application of the Green House Gas Pollution Pricing Act to reserve lands and First Nations territories more generally. The AFN notes there has been limited, to no, First Nation participation in the comment period for the Draft Legislative Proposals to Implement the Federal Carbon pricing System and the Draft Regulatory Framework for the Output-Based Pricing System. First Nations capacity to participate has been negatively impacted by the condensed timelines, a lack of funding and technical capacity. This has resulted in a number of outstanding questions, such as:
i) Which jurisdictions will adopt the federal backstop and will it apply to First Nations in those jurisdictions?

ii) What mechanisms have been and will be used to recycle revenue to First Nations?

iii) How will exemptions to the federal backstop’s carbon tax be addressed?

iv) What process will Canada launch to meet First Nation concerns?

This legislation relies on implementation through regulations and policy, which causes uncertainty around procedural implications of the legislation in the jurisdictions where it will apply. This is most prominent regarding tools within the Act that can allow for rebates and exemptions to the tax. First Nations should have been included in the federal, provincial, and territorial discussions that were a part of the policy development process leading to this Bill. First Nations need to be fully included as partners in the regulatory process and development of policy.

Recommendations:

1. Solicit the views of First Nations in the earliest stages of the legislative process, the meaning of co-development, and the role of First Nations in legislative drafting

2. Meet or exceed the precedent set in the development and eventual passage of the Species-at-Risk Act, which involved full, direct, and unfettered participation of First Nations.

3. Examine the effects of any broad-ranging legislation in its preliminary stages on First Nations in order to identify and address any potential problems.

4. Ensure opportunities for First Nations, including the funding and capacity to do so, to examine how provincial and territorial pricing schemes will affect them, including a robust socio-economic analysis, and to propose changes to address challenges.

5. Fund a project to identify options for First Nations participation in resource revenue sharing.

2. Include protections of First Nations inherent and constitutionally protected rights

First Nations hold Treaty and inherent rights, title, and jurisdiction that are protected and affirmed by section 35 of the Constitution Act, 1982, and by international law. First Nations have held our inherent rights, title and jurisdiction as peoples and nations since time immemorial. As nations, First Nations have entered Treaties as nations under international law. As a result, the notion of Canada’s sovereignty is necessarily dependent on, and constrained by, the pre-existing sovereignty of First Nations. The right to self-determination is a collective and inherent right of peoples
protected by the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights, which states “all peoples have the right of determination. By virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development”. The UN Declaration on the Rights of Indigenous Peoples and the numerous UN General Assembly resolutions adopting and affirming the UN Declaration confirm that the binding obligations of Canada under these two covenants apply without discrimination to Indigenous peoples.

The Supreme Court of Canada, in *Tsilhqot’in Nation v. British Columbia (BC)*, articulated that Indigenous peoples’ rights as guaranteed under the Constitutional Act of 1982 operate as a limit on both provincial and federal legislative powers. Neither the federal nor provincial governments may pass laws that encroach on Aboriginal or Treaty Rights, subject to these encroachments being sufficiently justified by other considerations. Even if an infringement can be justified, the principle of proportionality must be respected; the limitations to the Aboriginal or Treaty Right must be minimized.

The UN Declaration further recognizes and affirms numerous rights of Indigenous peoples based on the application of their human rights. This includes the right of Indigenous peoples to “be meaningfully consulted in the legislative process when laws that may affect their rights are being proposed”. Importantly, the UN Declaration does not limit the duty to consult to mere dialogue, but mandates that free, prior and informed consent will be obtained from Indigenous peoples if the proposed laws would affect their lands, livelihoods or subsistence activities.”

In the creation of the *Greenhouse Gas Pollution Pricing Act*, Canada failed to meaningfully consult, accommodate and obtain input from First Nations. The right to be involved in the decision-making process is embedded in the right to self-determination. First Nations have a “right to choose”, which entails a consensual element. While consent is not an absolute right, it involves the clear and compelling demonstration by the First Nations concerned of their agreement to the proposal under consideration. All relevant information reflecting various views and positions must be available for consideration in this process.

**Recommendations:**

5. Include provisions throughout the Bill that the legislative intent is not to infringe on First Nations inherent rights, Treaty, and jurisdiction. This could include the inclusion of a non-derogation clause, specifically:

    *For greater certainty, this Act shall be construed so as to uphold Aboriginal and treaty rights recognized and affirmed under s.35 of the Constitution Act, 1982, and not to abrogate or derogate from them.*
3. Advance federal policy of rights recognition and affirmation by “creating space” for First Nation jurisdictions to participate in the carbon economy

The source of First Nations' jurisdiction is independent of Canada. For First Nations, the source of our inherent jurisdiction comes from the Creator, who placed us on Turtle Island and instructed us on how to interact and make decisions that respect our obligations of stewardship and responsibility for all of our waters and lands. Bill C-74 must reflect and honour this source of jurisdiction and the national and international duty to First Nations' right to self-determination. As reaffirmed in the UN Declaration, Article 3: “Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”

The current definition of “Indigenous Land” under Section 262 of the Act\(^2\) is unwarrantedly restrictive and must be broadened to include all of the lands and resources affirmed by section 35 of the Constitution Act, 1982 and international law including the UN Declaration. Although these lands remain under the tutelage of the Crown and are held in trust for First Nations, First Nations have a perpetual right to occupy and use these lands.

The imposition of section 88 of the Indian Act without the consent of First Nations must be addressed; and the jurisdiction of First Nations to regulate greenhouse gas pollution pricing for sales on reserves and our inclusion in decision-making by federal, provincial, and territorial governments must be acknowledged, affirmed, respected and accommodated.

For example, if in implementing greenhouse gas pollution pricing schemes, a province attempts to regulate the price of fossil fuels on reserve lands, negative consequences and jurisdictional conflict and uncertainty would ensue. Although renewable energy is expanding rapidly, most First Nations still rely disproportionately on fossil fuels to generate electrical energy. Provincial laws which are found to infringe on First Nations rights are held to be unenforceable on First Nations territory. For instance, laws that restrict hunting and fishing on certain lands or during certain times of the year do not apply to First Nation individuals if they have proven a traditional right to undertake such activities.

In addition, as a critical matter of policy, the already high rates of poverty found on many reserves, imposed measures that artificially raise the price of fossil fuels could exacerbate issues such as adequate housing and lead to an increase in its associated problems, including mental health issues, scholastic underachievement, and substance abuse. In many remote northern First Nations, essentials such as

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\(^2\) *Indigenous land* means
(a) a reserve and any other land that is set apart for the use and benefit of a band under the Indian Act, and all waters on and airspace above that reserve or land; and
(b) land that is subject to a comprehensive or specific claim agreement, or a self-government agreement, between the Government of Canada and an Indigenous people of Canada, and all waters on and airspace above that land, with respect to which title remains with Her Majesty in right of Canada.
food already cost double or even three times as much as the same product in a major urban center.

Unilaterally imposing GHG pollution pricing schemes on First Nations would constitute a violation of First Nations’ right to self-determination. Canada must address First Nations’ concerns relating to GHG pollution pricing and our inclusion in decision-making now.

**Recommendations:**

6. Respect and affirm the inherent jurisdiction of First Nations and support First Nations governments participation in all decision-making processes and activities related to GHG pollution pricing.

7. Expand the definition of “Indigenous lands” to include First Nations’ treaties, inherent rights, title and jurisdiction, respecting our traditional territories.

8. Amend the Act to acknowledge and affirm First Nations inherent jurisdiction over GHG pollution pricing mechanisms in respect to First Nations lands, and affirm First Nations power to develop and implement such pricing schemes.

4. **Address the disproportionate burden of carbon pricing**

One of the purposes of imposing a GHG pollution pricing scheme is to curb fossil fuel use and thereby reduce the impacts of climate change. Canada, as a major, industrialized economy, contributes disproportionately to worldwide greenhouse gas emissions and will suffer increasing consequences of climate change in coming decades. Part of the revenue generated from GHG pollution pricing is to be devoted to developing alternative, low carbon sources of energy.

However, there is no provision within the Act to assist First Nations in addressing the negative effects resulting from climate change. First Nations are experiencing the consequences of thawing permafrost, changing game patterns, and habitat destruction of species such as polar bears and arctic seals. Although First Nations have contributed very little to the emissions that drive climate change, they experience disproportionately serious adverse effects.

Provisions included in the *Greenhouse Gas Pollution Pricing Act* should address the unfairness of this situation to enable the mitigation of and adaptation to the negative impacts of climate change on First Nations. These include repairing and climate-proofing damaged infrastructure (such as airstrips, roads, housing) as well as addressing more pervasive losses relating to subsistence practices such as hunting and fishing.

First Nations continue to revitalize their livelihoods through traditional activities such as hunting and fishing. Developing localized renewable energy, in the form of small
scale hydroelectric dams, wind farms and solar plants would serve to make First Nations more self-sufficient while simultaneously reducing their environmental impact and supporting First Nations priorities for self-determination.

Under Section 87 of the Indian Act, Provinces and Territories have no power to apply fuel taxes to status Indians or Indians living on First Nations land. This is recognized in both Alberta and BC, where fuel purchased on First Nations land by eligible First Nations individuals or Bands are exempt from fuel pricing. The carbon levy exemptions do not apply to status Indians living off-reserve and do not apply to businesses. There are, however, significant differences in the ways revenues are recycled when these jurisdictions are compared.

Alberta’s Climate Leadership Plan guides the investment of proceeds from the province’s carbon levy and specified gas emitters regulation, including carbon rebates to help low- and middle-income families. The carbon levy rebate is the province’s largest recycling measure and aims to protect low- and middle-income Albertans who spend a higher percentage of their income on energy costs and have fewer financial resources to invest in energy efficiency products. Single Albertans who earn less than $47,500/year and families earning less than $95,000/year will receive a full rebate to offset costs associated with the carbon levy. An estimated 60 per cent of households will receive a full or partial rebate.

In BC, carbon tax revenue has been recycled primarily through reductions in individual and corporate taxes as well as through credits targeted at protecting low income households. None of the measures have been directed specifically at First Nations and no Indigenous-specific measures appear to be planned in the near future. However, First Nations individuals and households are technically eligible for all of the same tax credits administered through the BC Income Tax Act but under section 87 of the federal Indian Act, First Nations persons are not subject to taxes on their property situated on First Nations land, the method through which tax credits are applied. Further, most real property on First Nations land is not privately held (with the result that First Nations persons living on First Nations land would not be “homeowners” who pay property taxes). Therefore, the credits/benefits provided under the property taxation system may not apply, as First Nations persons on First Nations lands would not be paying any property taxes against which a credit could be applied. This has effectively excluded many on-reserve First Nations individuals and households from the existing rebate programs in the province, and prompted the First Nations Tax Commission to recommend that BC vacate the carbon tax field on First Nations lands in favour of First Nations, so that First Nations can collect carbon tax revenues for their own harmonized carbon tax program.

There are also other examples of tax exemptions for First Nations living on-reserve such as fuel, tobacco, and other excise taxes, that could be used as reference examples to explore the implementation of on-reserve exemptions. In Ontario, First Nations individuals and bands do not have to pay tax on fuel if they use their valid gas card when they buy gasoline for their own use, and from an authorized
gasoline retailer on a reserve. This is a positive example of reducing the administrative burden on First Nations to apply for “tax credits”, as well as “justifying” their economic situation.

By looking to examples of regional challenges and best practices regarding the implementation of regulations and outcomes for First Nations, for example, in Alberta and BC, the Government can better understand which forms of federal regulations and policies on GHG pollution pricing can work for First Nations and then develop these in partnership with First Nations.

**Recommendations**

9. Amend the Act to provide for compensation for First Nations individuals and governments, funded by the revenues generated from a GHG pricing regime, for damages resulting from climate change, including, but not limited to, ecosystem changes, destruction of wildlife habitats, damage to infrastructure and losses due to altered game and fisheries patterns.

10. Look to examples of regional challenges and best practices regarding the implementation of regulations and outcomes for First Nations. Experiences in Alberta and BC can be used to inform how federal regulations and policy can be developed to work for First Nations.

11. Recognize that the GHG pollution price is charged at different points in each system, and thus ensure that Section 27 exemptions and Section 48 rebates will be used in thoughtful ways which ensure the burdens placed on First Nations by this pricing scheme are addressed.

12. Address the concern of potential for “carbon theft” from First Nations and their traditional territories by requiring impact benefit agreements, atmospheric benefit agreements, resource revenue sharing, and revenue recycling of GHG pollution pricing revenues and revenues from carbon offset credits generated by traditional territories.

5. **Address the increase in transportation costs on First Nations**

Many First Nations are located in remote areas where reliance on air travel is an integral aspect of life. A sizable number of these First Nations do not have access to all weather roads and rely on temporary winter ice roads for the transportation of building materials, fuel and other heavy-loads. Isolation contributes to a number of social and economic problems, which has been exacerbated by climate change and the shortening of the winter road season.

The high cost of air cargo related to fresh produce and perishable goods results in significant price increases for healthy foods. In many northern First Nations, the average price for a carton of eggs is $15. A bunch of grapes cost approximately $13
for 79 grams, a bag of apples is $15 and a single head of red cabbage is $12. These products are flown in via air cargo.

The federal carbon tax applies to aviation gas and jet fuel. Starting in September 2018, air fares and cargo rates will rise with a national carbon tax, as the increased costs resulting from taxes will be passed on to the customers. In Manitoba, airlines fueling up in the province will have to pay an additional 6.4 cents a litre for all aviation fuel under the Manitoba carbon tax regime. However, intra-provincial flights originating from Alberta or BC will be subject to the federal back stop tax of 2.49 cents per litre beginning in 2018. By 2020, the federal backstop tax rate will increase to 12.44 cents per litre for aviation gas or 12.91 cents per litre for jet fuel.

The foundation premise of GHG pollution pricing is not applicable to remote First Nations. Generally, the intention of the GHG pollution pricing is to regulate one’s behavior. When something becomes more expensive, individuals will consume less of it. Thus, increasing the carbon levy will reduce GHG emissions. The circumstances of remote First Nations are considerably different from those of other Canadians. For many First Nations, the transportation of food and other necessities, as well as medical travel, depends solely on air transportation.

The imposition of GHG pollution pricing to First Nations, and the subsequent increase in the price of consumer goods, will further impact First Nations in remote areas. Furthermore, the increase in price of vegetables, fruit and meat will also likely compound food insecurity.

**Recommendations**

13. Amend the Act to provide for an exemption from the GHG pollution pricing scheme for land, air, and marine freight transportation, including fuel, to First Nations.


**Conclusion**

The 2018 federal budget is of paramount importance to First Nations and the federal government has committed itself to supporting First Nations in the exercise of their right to self-determination. Given the budget’s importance and Canada’s full endorsement of the UN Declaration, Canada has a duty to active participation of First Nations in the development of any legislation potentially affecting their rights and interests. The free, prior and informed consent provisions in the UN Declaration set out an obligation to engage in meaningful, good faith processes to reach mutual agreement. The free, prior and informed consent provisions must also be understood as setting out the additional obligation to proceed with decisions only on the basis of such consent.
Given the scope of the effects of the *Greenhouse Gas Pollution Pricing Act*, consultations with First Nations should have already occurred. Had this happened, the oversights and shortfalls outlined in these submissions could have been avoided or addressed earlier on in the legislative process. The AFN hopes that by intervening now, long and expensive litigation can be avoided in the future.

In working to combat climate change through GHG pollution pricing, Canada must be mindful of the effects these schemes may have on First Nations. Many remote First Nations import consumer goods over great distances, leading to very high prices for food and other essentials. A carbon tax will only exacerbate the situation by further increasing the cost of fuel for transportation and, in some instances, production. Furthermore, First Nations contribute proportionately very little to carbon emissions, yet are disproportionately impacted by the adverse effects of climate change.

In conclusion, the *Greenhouse Gas Pollution Pricing Act* must be amended to provide First Nations with exemptions from GHG pollution pricing and the opportunity to participate in carbon markets, revenue sharing, and revenue recycling given the disproportionate burden of GHG pollution pricing on First Nations, the negative impacts of climate change which First Nations are already experiencing and will continue to experience, and First Nations’ jurisdiction and right to self-determination.
ABOUT THE ASSEMBLY OF FIRST NATIONS

The Assembly of First Nations (AFN) is the national body representing First Nations governments and approximately 1.5 million people living on reserve and in urban and rural areas. The National Chief is elected every three years and receives direction from the Chiefs in Assembly. The AFN is dedicated to advancing the priorities and aspirations of First Nations through review, study, response and advocacy on a broad range of issues and policy matters.

There are 634 First Nations in Canada with established governance systems, each led by a Chief who is entitled to be a member of the Assembly. The AFN National Executive is made up of the National Chief, 10 Regional Chiefs and the chairs of the Elders, Women’s and Youth councils. First Nations are part of more than 50 distinct nations with unique cultures and languages.