

INFORMATION SHEET

What is Action Plan Measure Shared Priorities 34?

[Action Plan Measure Shared Priorities 34 \(APM SP34\)](#) was co-developed by the Indigenous Caucus of the Indigenous Advisory and Monitoring Committee for the Trans Mountain Expansion Project ([IAMC-TMX](#)), Natural Resources Canada ([NRCan](#)) and the Canada Energy Regulator ([CER](#)).

What work will be done on APM SP34?

APM SP34 calls to work in consultation and cooperation with First Nation, Métis and Inuit communities, governments and organizations to (i) enhance the participation of Indigenous peoples in, and (ii) set the measures that could enable them to exercise federal regulatory authority in respect of, projects and matters that are currently regulated by the Canada Energy Regulator (CER). Steps to achieve the objectives include to:

- Develop regulations respecting the Minister of Natural Resource Canada's power to enter into arrangements that would enable Indigenous governing bodies to be authorized to exercise specific powers, duties and functions under the *Canadian Energy Regulator Act*.
- Amend the *Canadian Energy Regulator Onshore Pipeline Regulations* and Filing Manuals applicable to the lifecycle (design, construction, operation and abandonment) of CER-regulated infrastructure, in a manner that:
 - incorporates specific localized knowledge held by Indigenous peoples, as well as Indigenous laws, policies, practices, protocols, and knowledge
 - strengthens measures to prevent and address impacts to Indigenous rights and interests, including in relation to heritage resources and sites of Indigenous significance.
- Develop a systemic model to enhance Indigenous peoples' involvement in compliance and oversight over the lifecycle (design, construction, operation and abandonment) of CER-regulated infrastructure. The model should integrate learnings from existing structures and relationships.
- Consult and cooperate to identify and take the measures needed to support Indigenous governing bodies, and/or the potential establishment of new Indigenous decision-making institutions, to exercise regulatory authority on projects and matters regulated by the Canada Energy Regulator, including:
 - Co-develop with First Nation, Métis and Inuit communities, governments and organizations and relevant federal departments and regulators the mandate of such bodies or institutions, as well as the mechanisms required for empowering them with certain regulatory authorities
 - Identify the actions and allocate the resources required to further develop capacity and expertise for the exercise of regulatory authority by such bodies or institutions.



Who is accountable for APM SP34?

Each element of APM SP34 is being led by either the CER or NRCan who will advance work collaboratively with Indigenous communities, governments and organizations in alignment with the [Action Plan's](#) guiding principles.

What are the CER's and NRCan's roles?

The CER and NRCan will consult and cooperate with Indigenous and other government partners to implement the areas of APM SP34 for which we're accountable.

The [UNDA Action Plan](#) outlines nine guiding principles as starting points to ensure everyone has a shared understanding of how to begin this transformative work.

The CER and NRCan will be reporting on this work on both our websites and in the [Annual Action Plan Progress Reports](#).

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More about the UN Declaration

Canada fully endorsed the [United Nations \(UN\) Declaration on the Rights of Indigenous Peoples](#) (“UN Declaration”; 2007) in 2016. The UN Declaration took more than 20 years to develop and was created by UN member states and Indigenous Peoples.

In 2021, the [UN Declaration on the Rights of Indigenous Peoples Act \(UNDA\)](#) came into force in Canada. It directs the federal government to use the UN Declaration to take steps to ensure federal laws are consistent with the declaration and develop an [UNDA Action Plan](#).

The [UNDA Action Plan Measures \(APMs\)](#) are the 181 pieces of work that the Government has committed to do in consultation and cooperation with Indigenous Peoples. The [UNDA Action Plan](#) provides a roadmap to guide the implementation of the UN Declaration.

More information on the other APMs and the annual reports can be found on [the Justice Canada website](#).

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Where are we going?

APM SP34 describes steps that the CER and NRCan will take to put the UN Declaration into practice within the context of the CER’s role of overseeing major energy projects. By carrying out these steps, the CER and NRCan aim to strengthen their commitment to Reconciliation with Indigenous Peoples. This involves fostering a renewed relationship grounded in recognizing rights, showing respect, fostering cooperation, and forming partnerships for transformative change.

The early work to advance APM SP34 will involve creating a shared vision, co-developing governance frameworks and planning next steps in the short- and long-terms. Details and information on our progress will soon be available on our website.

Who is involved?

The CER and NRCan will collaborate with Indigenous partners, such as IAMCs, rights holders, and Indigenous representative organizations interested in CER-regulated facilities. We will take into account region-specific knowledge and realities, ensuring a distinction-based approach. We will create opportunities for engagement with industry and other relevant stakeholders.

How can I get involved?

Check out the links below to find more information or to contact Indigenous and government collaborators. You can also email us directly with questions and feedback- we want to hear from you!

IMPORTANT LINKS

Learn more about, read, or download the UN Declaration, UNDA, the Action Plan, and the Action Plan Annual reports.

Canada.ca/Declaration

Learn more about the IAMC-TMX and the IAMC-Line 3 and their work, or get in touch and get involved.

IAMC-TMX.com

IAMC-Line3.com

Learn more about our ongoing commitment to reconciliation, our other projects and initiatives, and get in touch. Click on “Consultation” to learn more about our APM work.

cer-rec.gc.ca

Learn more about what NRCan does and get in touch. Click on the Natural Resources and Indigenous Peoples to read more about their APM work.

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