

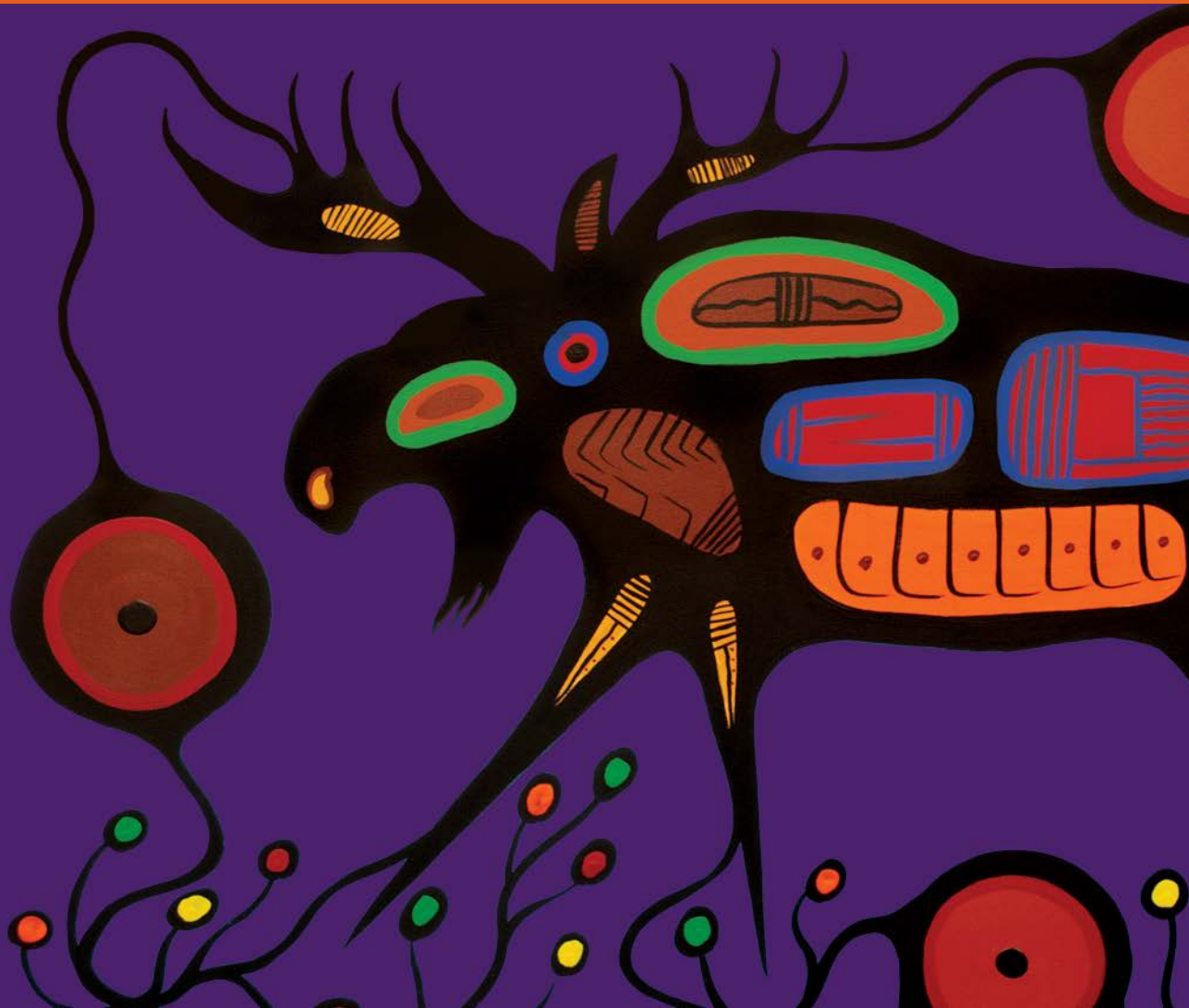


Assembly of First Nations

Special Chiefs Assembly

December 3-5, 2024

ISSUE UPDATE





Assembly of First Nations

SPECIAL CHIEFS ASSEMBLY

December 3-5, 2024

ISSUE UPDATE



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Bill C-61, An Act respecting water, source water, wastewater and related infrastructure on First Nation lands

History

First Nations have long criticized the 2013 *Safe Drinking Water for First Nations Act* (SDWFNA) and, for more than a decade, called for its repeal and replacement through numerous Assembly of First Nations (AFN) resolutions. As a result of this persistent advocacy by First Nations and the AFN, and under the terms of the National Class Action Settlement Agreement, the SDWFNA was repealed in June 2022. Under this agreement, Canada was required to enact replacement legislation in consultation with First Nations by December 31, 2022. Canada failed to meet this deadline.

The AFN and Canada subsequently began co-developing replacement legislation. By December 2023, Bill C-61, the *First Nations Clean Water Act*, was introduced. This bill aims to affirm First Nations' rights over water and establishes national standards for water and wastewater services. The bill also commits to securing sustained funding, liability protections, and mechanisms for transboundary water management.

At the July 2024 Annual General Assembly, Resolution 43/2024, Bill C-61, *First Nations Clean Water Act*, reaffirmed key directives, including prioritizing full implementation, ensuring free, prior, and informed consent, securing adequate funding, resolving water advisories, and involving First Nations in all decision-making processes. The AFN also called for a legal review to assess First Nations' liability risks for non-compliance due to inadequate funding.

Moving forward, the AFN will work closely with the federal government to co-develop regulations and funding models to support the Bill C-61's implementation.

AFN's Recent Advocacy

In October 2024, the National Chief appeared before the Standing Committee on Indigenous and Northern Affairs (INAN) to advocate for amendments to Bill C-61. The AFN emphasized the need for stronger protections, statutory funding, and addressing water advisories in First Nations.

Canada has a duty to consult First Nations at every stage of the legislative process, including the drafting of regulations. Ensuring free, prior, and informed consent (FPIC) remains central to the AFN's advocacy, reinforcing the importance of respecting First Nations' rights in all decisions related to Bill C-61.

To protect First Nations from undue legal risks, the AFN is in the process of securing a legal opinion to assess the potential liability for First Nations due to non-compliance with the bill's provisions, particularly where funding is inadequate.



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The AFN continues to advocate for immediate action to address long-standing drinking water advisories in First Nations, advocating for this to be a priority in the implementation of Bill C-61.

Next Steps

The AFN will advocate for the federal government to provide long-term, adequate, and needs-based funding to support the implementation of Bill C-61, including water governance structures and infrastructure upgrades. Additionally, the AFN will provide resources and information to support First Nations during the implementation of Bill C-61, ensuring they have the tools necessary to exercise their rights under the new legislation.





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Housing

History

Federal Budget 2024 committed \$488 million over five years for First Nations housing and infrastructure. Canada provides roughly \$3 billion per year for on-community First Nations housing, which, until the housing gap is closed, will continue to meet about 13.3% of their annual needs. Indigenous Services Canada (ISC) is scheduled to go to Cabinet in late October 2024 with a proposal that has not been shared with First Nations to further monetize federal transfers for increasing First Nations' access to infrastructure and housing loans. Although loans are one amongst several important sources of

financing, First Nations do not have the capacity to pay back the amount of loans required to fully meet their housing needs. While ISC focusses on more loans, it does not have a plan that identifies all possible and likely sources of the needed capital.

The housing projects supported by the \$4.3 billion committed in Budgets 2023 and 2024 for urban, rural and northern (URN) Indigenous housing, which include housing for First Nations citizens, are being decided by two pan-Indigenous organizations, which together control 87% of the funds, or roughly \$3 billion. First Nations south of 60 control \$533 million, which is about 13% of the funds despite First Nations making up most of the URN Indigenous population. The unilateral federal decision to allocate URN Indigenous housing funds in this manner was announced in January 2024 and contravened two Assembly of First Nations (AFN) Resolution 60/2022, *First Nations Involvement in the Urban Rural and Northern Indigenous Housing Strategy*, and 66/2023, *Urban, Rural and Northern indigenous Housing Funds Management in Breach of the UN Declaration*. By ignoring most of the joint approach co-developed over one year by First Nations and Canada to commit a proportionate amount of URN Indigenous housing funds to be managed by First Nations, it broke the relationship that up until that time had been built on trust, and that the federal government is now responsible to rebuild.

The Auditor General of Canada (AG) issued a report in March 2024 that heavily criticized the federal government's record over the past 20 years on housing in First Nations communities. She concluded that the federal government's record on First Nations housing showed "a distressing and persistent pattern of failure," and that "...*Current policies and practices have just not kept pace with the government's commitment to reconciliation & self-determination. A fundamental shift is urgently needed to drive significant progress.*"

AFN's Recent Advocacy

The AFN passed Resolution 45/2024, *Transition of the First Nations Market Housing Fund to First Nations Control* at the 2024 Annual General Assembly. This resolution sets out conditions for transferring the First Nations Market Housing Fund (FNMHF), which facilitates access to financing for home ownership in First Nations communities, from the Canada Mortgage and Housing Corporation (CMHC) to First Nations control.



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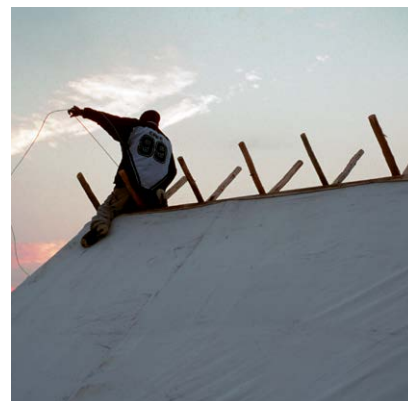
In 2024, the AFN and Canada agreed on including closing the First Nations infrastructure/housing gap and its significant cost estimate (\$349.2 billion) as a joint priority under the Permanent Bilateral Mechanism. The AFN's 2025 Pre-Budget Submission seeks \$135.1 billion to 2030 for the portion of the cost estimate specific to closing the housing gap. This submission also includes a request for an additional \$2.76 billion investment to be announced in the government's 2024 Fall Economic Statement for First Nations to provide housing services to their citizens living away from their communities. The AFN is meeting key cabinet ministers and deputy ministers in fall 2024 to advocate for the additional housing investments. ISC and the AFN are discussing the joint development of a multi-year plan that will identify all likely sources of capital to match the required \$135.1 billion for First Nations housing. The AFN is also pressing federal officials to identify the fundamental shift in federal policy and processes that the AG's report identified as required to make real and significant progress in First Nations housing.

Next Steps

The AFN is in the early stages of joint work with ISC, CMHC and Housing, Infrastructure and Communities Canada (HICC) to develop and implement an industrial strategy to ensure the construction and manufacturing industries do not relegate the First Nations to the sidelines as they help implement Canada's Housing Plan that was announced in 2023 to address the mainstream housing crisis. The AFN is also working to influence HICC's development of programs and initiatives under Canada's Housing Plan to create First Nations carve-outs, where possible, in order provide First Nations with ease of access to funding and to maximize these programs' benefits to First Nations.

The AFN and its federal partners are resetting their formal relationship through revised terms of reference of the Joint Working Group on Housing and Homelessness, and through Memorandums of Understanding with key federal departments.

The AFN is also undertaking research to identify the likely sources of capital to close the housing gap, as well as carrying out work on housing performance measures and housing skills and capacity development.





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Infrastructure

History

The infrastructure gap faced by First Nation in Canada remains substantial, affecting essential services such as housing, water, sanitation, health care, and education. While the Government of Canada has publicly committed to closing this gap by 2030, the Assembly of First Nations (AFN) continues to advocate to ensure this commitment is upheld and support by the necessary investments and actions.

For over three years, the AFN has conducted extensive research to assess, document, and quantify the investments required to close this gap. These findings provide valuable insights into the current needs of First Nation and help shape strategies to align infrastructure development with cultural and community-specific requirements.

The AFN's recent report, *Making the Business Case to Close the Gap*, highlights the importance of closing the infrastructure gap, not only for the benefit of First Nations but as a critical step toward reconciliation and equitable growth across Canada. The report highlights the positive economic impacts on both First Nations and non-Indigenous private industries.

Although Prime Minister Trudeau, several Cabinet Ministers, and various federal action plans have reaffirmed commitments to close the infrastructure gap by 2030, the AFN continues to advocate for improved investments for First Nations infrastructure across Canada.

AFN's Recent Advocacy

The AFN has been steadfast in its advocacy efforts to address the infrastructure gap impacting First Nations across Canada. Through the development and strategic use of the AFN's "Closing the Infrastructure Gap by 2030" reports, the AFN has provided the Government of Canada with detailed, data-driven analyses of the investments required to bring First Nations infrastructure up to national standards by 2030. These reports outline capital and operational costs, prioritization plans, and the financial consequences of inaction. They have been central to the AFN's recent Pre-Budget Submissions to the House of Commons Standing Committee on Finance, highlighting the urgent need for investments in housing, water, sanitation, climate resiliency, and digital connectivity.

Endorsed by resolutions from the First Nations-in-Assembly, these advocacy efforts are rooted in a clear mandate from First Nations to close the infrastructure gap. The AFN's research and publications emphasizes the critical social and economic benefits of closing the infrastructure gap, not just for First Nations but for Canada as a whole.

Co-developed with industry experts, including engineering firms, the "Closing the Infrastructure Gap by 2030" reports present a strong case for the Government of Canada to prioritize infrastructure investments in federal budgets that support the health, safety, and economic well-being of First Nations. These investments also have the potential to strengthen regional economies by integrating First Nations and non-First Nations economic opportunities.



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Economic Development and Infrastructure Branch

Next Steps

The AFN continues our work in four main areas related to infrastructure:

Asset Management Planning (AMP)

The AFN is working toward developing a First Nations-led AMP approach, building on past commitments, and increasing and expanding our awareness and knowledge of asset management and the role that AMP plays in decision-making in asset funding. The AFN will host its 3rd National Infrastructure and Housing Conference on February 19-21, 2025, in Calgary, Alberta, to promote housing, infrastructure, and clean drinking water needs in First Nations.

First Nations Fire Protection Strategy

The *Joint First Nations Fire Protection Strategy* was first established in 2010 in collaboration with Indigenous and Northern Affairs Canada and the Aboriginal Firefighters Association of Canada (AFAC) to promote fire protection on-reserve. In 2022, AFAC became the National Indigenous Fire Safety Council. The strategy was refined and updated in 2015 to span the years 2016 to 2021. The newest iteration of the strategy (2023 to 2028) was co-developed by the AFN and ISC, addresses modern fire safety challenges in First Nations communities, building on the progress of previous strategies.

Federal Tendering Policies

The AFN and ISC developed a document package based on insights gathered through engagement sessions held with First Nations from September 2023 to February 2024. These documents are intended to guide further discussions with First Nations in each AFN region on revising outdated federal tendering policies. Each document in the package is open to adjustments through feedback from First Nations over the coming months. The AFN intends to finalize these policy recommendations by March 2025. The tendering policy recommendations look to update federal policies to provide descriptive guidance and exceptions to:

- Bonding exemptions,
- Revised evaluation criteria to promote First Nation capacity-building, and
- Adjusted tendering thresholds.

This collaboration between AFN and ISC aims to align tendering policies more closely with First Nations' needs and perspectives.





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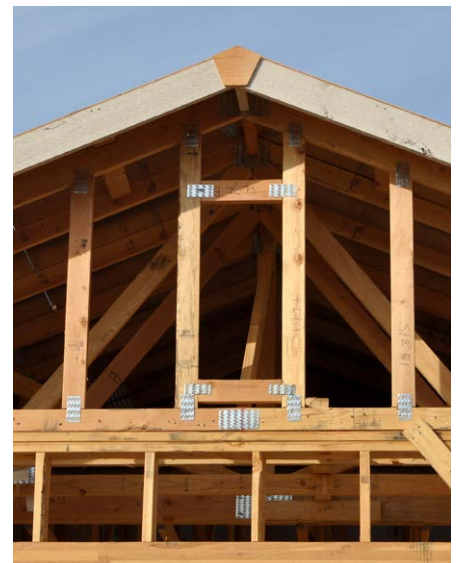
Economic Development and Infrastructure Branch

Closing the Infrastructure Gap (CTIG) by 2030

The AFN, in collaboration with industry experts and ISC, has completed two reports addressing the First Nation infrastructure gap. The first report, *“Closing the Infrastructure Gap by 2030: National Cost Estimate,”* developed with input from over 400 First Nations, estimates the capital and operational investments required for Canada to meet its commitment to close the infrastructure gap by 2030. This report outlines a comprehensive assessment of the funding necessary to bring First Nation communities to national standards.

The second report, *“Closing the Infrastructure Gap by 2030: Prioritization and Implementation Plan,”* leverages data from over 600 First Nations and highlights the urgent need for action. This plan estimates that without substantial investment, the timeline to close the infrastructure gap could extend to 2040, with costs rising to \$527.8 billion. The report also highlights the significant impacts of government inaction on First Nations, particularly in areas such as climate resiliency and digital connectivity.

The upcoming third report, *“Making the Business Case to Close the Gap,”* focuses on the economic benefits of closing the First Nation infrastructure gap through government investments. Scheduled for release in December 2024, this report underscores the positive financial outcomes for both First Nations and the Canadian private sector when critical investments are made. By detailing the anticipated economic returns, the report aims to strengthen budget advocacy efforts, positioning infrastructure investment as a strategic opportunity for sustainable economic growth and improved quality of life for First Nations across Canada.





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Homelessness

History

Since the passage of Resolution 79/2019, *Action Plan for First Nations homelessness on and off reserve*, the Assembly of First Nations (AFN) has continued to strengthen its focus on addressing homelessness within First Nations. This resolution mandated the development of a National First Nations Homelessness Action Plan, aimed at improving the delivery and effectiveness of federal programs and enhancing social and fiscal mechanisms to tackle homelessness. The work has been closely aligned with the AFN's National Housing and Infrastructure Strategy, which emphasizes the transition of housing and related infrastructure to First Nations management, control, and care.

housing and related infrastructure to First Nations management, control, and care.

In fulfilment of that mandate, the AFN developed the National First Nations Homelessness Action Plan supported by extensive research and engagement. In December 2023, First Nations-in-Assembly approved Resolution 75/2023, approving the National First Nations Homelessness Action Plan and mandating the AFN to work towards its implementation. This Action Plan envisions First Nations control over culturally safe and holistic housing and social services. It aims to ensure First Nations citizens can access safe and supportive housing, no matter where they live. The Action Plan emphasizes a collaborative, multi-partner approach to reduce, prevent, and ultimately end homelessness, while promoting First Nations jurisdiction over housing and service delivery.

AFN's Recent Advocacy

The AFN has continued to advocate for the resources required to realize the vision of the National First Nations Homelessness Action Plan by working with federal entities, particularly with Housing, Infrastructure and Communities Canada (HICC). The AFN-Canada Joint Working Group on Housing, Related Infrastructure and Homelessness has played a key role in overseeing the implementation of a process to allocate First Nations distinctions-based homelessness funding under the federal Reaching Home program to First Nations regional organizations. The AFN continues to provide ongoing support to regions in securing agreements under the Reaching Home program and pushing for increased and sustained funding allocations.

In November 2024, the AFN successfully hosted the National First Nations Homelessness and Mental Wellness Forum, which brought together key stakeholders to discuss the intersection of mental health and homelessness. This forum fostered comprehensive policy dialogue and helped build momentum around a holistic approach to supporting First Nations experiencing homelessness.



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Next Steps

The AFN is seeking resources to carry out various research, engagement and advocacy projects aimed at implementing the National First Nations Homelessness Action Plan. As part of these efforts, the AFN is also progressing on the implementation of a HICC funded research project that focuses on understanding and addressing homelessness among First Nations Veterans. This project is being conducted in collaboration with the First Nations Veterans Council.

At the 2024 Annual General Assembly, the AFN passed Resolution 44/2024, *Support for First Nations led responses to Chronic and Unsheltered Homelessness*. This resolution aligns with the recommendations from the Office of the Federal Housing Advocate's final report on homeless encampments, which calls for new resource allocations and meaningful engagement with First Nations in measures to address homelessness encampments that impact their citizens on their traditional territories. The AFN continues to advocate for full implementation of this resolution, working closely with HICC to ensure AFN and First Nations input is incorporated into the development of a National Encampments Response Plan.

Moving forward, the AFN will continue its advocacy efforts to compel the federal government to commit to the estimated \$349.2 billion required to close the First Nations infrastructure gap by 2030, including \$135.1 billion specifically for First Nations housing needs, as this investment is essential to ending homelessness for First Nations. The AFN will also continue to advocate for adequate funding for First Nations to address homelessness as it impacts their citizens, which includes meeting immediate needs while working towards long-term, sustainable solutions that respect First Nations' jurisdiction over housing and social services.





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Economic Development

History

The Assembly of First Nations (AFN) advocates for economic policies and programs that respect First Nations' self-determination in both the market and traditional economies of First Nations, while advancing economic recovery, prosperity, inclusion, and sustainability. Current advocacy efforts address cannabis, connectivity, gaming, natural resources, trade, the labour market, and procurement. The AFN works to ensure First Nations are free to pursue economic, social, and cultural development consistent with the priorities in various economic policy matters mandated by First Nations-in-Assembly.

AFN's Recent Advocacy

Cannabis

The AFN participated in the Expert Panel's *Cannabis Act* legislative review to support First Nations considerations, engagement, and dialogue on cannabis. The AFN developed a legal analysis and scoping paper on cannabis to support First Nations' interests related to health and economic priorities, including jurisdiction, taxation, revenue-sharing, businesses, regulations, and licensing. The AFN is advocating for the Government of Canada to work with First Nations to implement the recommendations outlined in the *Legislative Review of the Cannabis Act: Final Report of the Expert Panel* to support First Nations participation in the cannabis sector.

Connectivity

The Government of Canada has committed to connecting 100 percent of Canadians to high-speed wired internet by 2030. Currently, 62 percent of First Nations lack high-speed wired services or the infrastructure required to connect them. The AFN's "*Closing the Infrastructure Gap by 2030*" costing report identifies a \$5.2 billion capital investment required for the internet infrastructure to connect First Nations to high-speed wired and cellular services. The AFN continues to advocate for First Nations' access to spectrum and the call for a moratorium on spectrum licensing in service areas above First Nations. The moratorium would be in place until meaningful consultations are held with First Nations on licensing processes consistent with the *United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)*.

Gaming

The AFN is identifying capacity supports to implement Resolution #18/2022, *Support for Criminal Code Amendments Regarding Gaming Jurisdiction*. The resolution states that the *Criminal Code of Canada* prevents First Nations from entering the gaming sector unless they have a license from a province. The AFN is advocating for amendments to Section 207 of the *Criminal Code of Canada* to recognize First Nations' jurisdiction over gaming. This also includes calling on Canada to support any consequential amendments to federal legislation required to give effect to specific amendments to the *Criminal Code of Canada*. The AFN is monitoring the progress of Bill S-268, *An Act to Amend the*



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Criminal Code and the Indian Act, which proposes similar amendments as Resolution #18/2022 to affirm First Nations jurisdiction over gaming. As part of its advocacy, the AFN is developing a legal analysis of Bill S-268.

Labour Market

The AFN supports the First Nations Indigenous Skills, Employment, and Training (ISET) program agreement holders. Recently, the AFN hosted a National First Nations ISET meeting in October 2024, bringing together First Nations ISET agreement holders and Employment and Social Development Canada officials. The meeting provided an opportunity to discuss employment and training priorities, including closing the labour gap, advocating for an expanded labour market information initiative, and supporting First Nations labour market programming. The AFN will continue to support the labour market network in areas to identify barriers and solutions for enhanced First Nations' labour market development and participation.

Natural Resources

The AFN is working with Natural Resources Canada to ensure greater First Nations involvement at all levels of decision-making. The AFN continues to monitor the development of the National Benefits Sharing Framework and the Indigenous Loan Guarantee Program while advocating for First Nations interests and priorities to be addressed within the natural resource sector. To provide information, enhance and build relationships between First Nations and Natural Resources Canada, the AFN will host its first annual Natural Resources Forum in March 2025.

Procurement

The AFN continues to advocate for increased First Nations procurement opportunities, including through its participation on the First Nations Procurement Organization (FNPO) steering committee. The FNPO aims to grow Indigenous economies through enhanced access to public and private procurement opportunities. Federal departments and agencies are also working to meet or exceed the five percent Indigenous procurement target by the end of the fiscal year 2024-2025. Coordinated by the National Aboriginal Corporations Association (NACCA) with other National Indigenous Economic Organizations, the FNPO steering committee is undertaking the necessary steps of incorporation for the FNPO. The AFN supports these efforts, as mandated by Resolution #72/2023, *First Nations-Led Procurement Organization and National Benefits Sharing Agreement*.

Trade

The AFN is working to expand trade-related economic opportunities and market access for First Nations goods and services internationally and between Nations. The AFN is working closely with federal government partners on the Indigenous Peoples Economic and Trade Agreement (IPECTA) and has appointed New Brunswick AFN Regional Chief Joanna Bernard as the First Nations representative to its council. Key priorities include the development and inclusion of Indigenous-specific sections or chapters in agreements such as:

- The Central Bank Network for Indigenous Inclusion (CBNII)
- Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)
- Canada-United States-Mexico Agreement (CUSMA)



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Next Steps

The AFN will continue to work on the mandates put forward by First Nations-in-Assembly regarding economic development and related areas. This includes advancing First Nations digital connectivity through First Nations-specific connectivity funding to support program access, training opportunities, and the ownership and control of the spectrum and wireless technologies. The AFN will continue to advocate for the inclusion of an Indigenous Peoples chapters and sections in trade agreements to ensure that trade programs and processes advance First Nations' interests.

Additionally, the AFN will work toward building its First Nations natural resources network and preparing for the Natural Resources Forum focused on the sustainable development of First Nations resources. The AFN will continue to support the national network of First Nations ISET agreement holders to address First Nations data gaps, promote inclusion in economic trends, analysis, labour force statistics, and identify barriers to strategic labour market planning.

Finally, the AFN will continue advocating for the removal of barriers and the recognition of First Nations jurisdiction in cannabis legislation, gaming legislation, and access to capital, and provide support for the other economic reconciliation efforts based on the directions and mandates from First Nations-in-Assembly.





Economic Development and Infrastructure Branch



Fisheries Sector

History

The Assembly of First Nations (AFN) is dedicated to supporting First Nations' stewardship, protection, and conservation of our fisheries and ocean resources and their habitats, both inland and marine, in a way that is inclusive and respectful, honouring First Nation rights, title, and jurisdiction.

The AFN supports the National Fisheries Committee (NFC), which advises and advances the collective interests of First Nations in Canada on priorities related to fisheries, aquaculture, and ocean resources. The NFC is Co-Chaired by Regional Chief Terry Teegee of

British Columbia, and Regional Chief Andrea Paul of Nova Scotia. The NFC provides direction to the AFN on mandates received from First Nations-in-Assembly and meets three to four times annually.

AFN's Recent Advocacy

Technical Submission to the House of Commons Standing Committee on Fisheries and Oceans (FOPO) – Population Sustainability of Yukon Salmon Stocks

The AFN is mandated by Resolution 06/2021, *Yukon River Chinook Salmon of Canadian-Origin*, to call on the Prime Minister and the Minister of Fisheries and Oceans Canada (DFO) to initiate a federal inquiry, in partnership with Yukon First Nations, to investigate the decline of Yukon River Chinook Salmon of Canadian-origin and to provide recommendations to address that decline.

In October 2023, the FOPO began a study on the population sustainability of Yukon Salmon Stocks and invited witnesses from the Yukon Territory to appear and provide testimony to the historical decline of those stocks. The AFN took that opportunity to advocate for Resolution 06/2021 and submitted a written technical brief to the FOPO on May 27, 2024.

The technical brief submission discussed the historical run sizes of Yukon River Chinook salmon and compared them to the returns of 2022 and 2023, which clearly demonstrate a biological decline that is equivalent to the loss of 90-95 percent of the run sizes. This disappearance of salmon from Yukon's environment is a catastrophe to all those who rely on salmon for subsistence and for the continuation of salmon culture and harvesting practices across the Yukon First Nations who are connected to the Yukon River. The technical brief concludes with recommendations for all levels of government to undertake research and inquiries into key threats to freshwater habitat and to identify, and implement, measures to protect and restore salmon habitat. Additionally, as salmon are anadromous and spend the majority of their lifespan in the marine environment, and the AFN concluded with a final recommendation to clarify potential marine threats to Yukon Salmon and, if possible, identify which of those threats can be mitigated using agreed upon indicators between and among affected management agencies.



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The FOPO release its *Report on the Population Sustainability of Yukon Salmon Stocks* in October 2024, making 37 recommendations to DFO on areas of research and activities to undertake.

Oceans Protection Plan

As mandated by Resolution 21/2024, *First Nations Continued Inclusion in Canada's Oceans Protection Plan and Marine Safety Emergency Planning*, the AFN continues to collaborate with Transport Canada and the Canadian Coast Guard to address needs for core and long-term capacity funding for First Nations under the Oceans Protection Plan (OPP), and to advocate for legislative, regulatory, policy, and program reform that respects First Nations inherent rights, Treaties, title and jurisdiction while recognizing their everlasting responsibilities to their traditional territories.

Guided by the AFN's OPP Subcommittee, the AFN, Transport Canada, and the Canadian Coast Guard are assessing First Nations' participation and partnerships under the OPP. The Subcommittee collected information on First Nations' funding agreements and OPP program documentation. This information will be evaluated for alignment against an AFN Best Practices Framework, which includes themes such as underlying principles, capacity, co-governance, co-design, co-development, and co-delivery.

The AFN will soon be finalizing a Protocol Agreement with Transport Canada, which will identify joint projects, activities, and appropriate funding levels to ensure continued participation in the OPP assessments.

2024 5-Year Review of the Fisheries Act

2024 marks the first five-year review of the 2019 *Fisheries Act* reforms. Resolution 24/2024, *2024 Fisheries Act 5-Year Review to Ensure Alignment with the United Nations Declaration on the Rights of Indigenous Peoples*, mandates the AFN to engage with the DFO and propose amendments to enable the *Fisheries Act* to be a legal instrument for the proper recognition and affirmation of inherent and Treaty-protected rights-based fisheries, in addition to the protection and conservation of marine and coastal waters.

The AFN is preparing a written technical brief for submission to the FOPO, which is organized into five themes for proposed legislative amendments to the *Fisheries Act*. After an initial study meeting on September 16, 2024, the FOPO is expected to resume its review in December 2024. When this occurs, the AFN will request that Regional Chief Teegee and Regional Chief Paul be invited to present the proposed legislative amendments.





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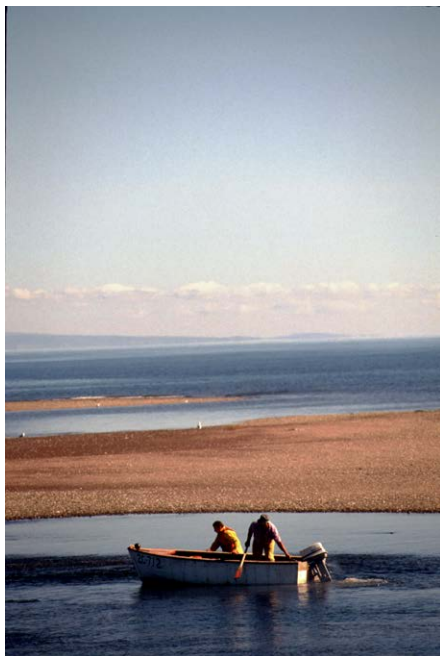


Economic Development and Infrastructure Branch

Next Steps

Looking ahead, the AFN will continue developing legislative proposals for presentation at FOPO's November meetings, which will be designed specifically to ensure the *Fisheries Act* is amended to align with the UN Declaration. These proposals will be reviewed and discussed by the National Fisheries Committee at its next meeting in November 13-14, 2024.

The AFN will continue to advocate for the proper recognition and affirmation of rights-based First Nation fisheries, as confirmed in the *Marshall Decision* of 1999. The AFN has invited the attendance of the Minister of DFO at the December 2, 2024, Dialogue Session in Ottawa, titled "25 Years After the *Marshall Decision*." Co-panelists include Regional Chief Andrea Paul and Chief Darlene Bernard of the Lennox Island First Nation.





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Environment, Lands, and Water Branch



Environment – Climate Action, Conservation and Biodiversity, Environmental Health, and Impact Assessment

History

In 2019, First Nations-in-Assembly passed Resolution #05/2019, *Declaring a First Nations Climate Emergency*. This resolutions formally recognized the global climate emergency and marked a fundamental shift in the Assembly of First Nations' (AFN) approach to addressing the crisis. Since the passing of Resolution #05/2019, the AFN has continued its work to address the dual crises of climate change and biodiversity loss. This work includes the endorsement of the AFN National Climate Strategy in Resolution #36/2023, *Urgent and Transformative Action through the AFN National Climate Strategy*.

The AFN's advocacy efforts have focused on recognizing and respecting First Nations' inherent rights, title, jurisdiction, and self-determination, and positioning First Nations as leaders in climate, conservation and environmental action. The AFN continues to advance this work with the understanding that First Nations play a critical role in balancing the relationship with, and fulfilling responsibilities to, Mother Earth.

AFN's Recent Advocacy

The AFN receives its mandates from First Nations-in-Assembly and receives guidance from the Advisory Committee on Climate Action and the Environment (ACE). Through these mandates, the AFN continues to advocate for the recognition of First Nations' voices, culture, knowledge systems, and leadership as caretakers and stewards of the lands, water, and ice. This advocacy includes advancing four distinct but overlapping program areas: Climate Action, Conservation and Biodiversity, Environmental Health, and Impact Assessment.

Climate Action

The AFN National Climate Strategy, launched on October 18, 2023, contains seven priority areas and 107 strategies and actions. The Climate Strategy has now entered Phase II focusing on the development of an implementation plan with First Nations rights and titleholders and guidance from the ACE.

As part of its mandate, the AFN hosts a National Climate Gathering every two years, which has brought together over a thousand participants, including First Nation experts, leaders, youth, men, women, and 2SLGBTQIAA+ individuals, Knowledge Keepers, professionals, and allies from coast-to-coast-to-coast at the first two gatherings. The third gathering, held October 7–10, 2024, in Calgary, Alberta, was the largest to date, with over 1,100 registered participants.



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The Joint Committee on Climate Action (JCCA) continues to advance First Nations' priorities and interests in federal climate policy processes for the past six years. In August 2024, the JCCA formally released a website to increase transparency of the table, share information on its activities, and house relevant documents. Additionally, the JCCA completed its 2023 Annual Report to the National Chief and Prime Minister, which have also been published on the JCCA's website.

As part of the First Nations Climate Leadership Agenda (FNCLA) initiative, over 30 First Nations Regional Leads (Regional Leads) submitted interim recommendations to Canada to advance First Nations' self-determination in climate action. These recommendations were developed through regional engagements to collect information and identify priorities to advance the FNCLA. To summarize regional recommendations and inputs, the AFN supported the coordination of First Nations Caucus meetings and the creation of a Summary of National Discussions document that captures 16 months of discussions and meetings with Regional Leads participating in the FNCLA process.

The FNCLA contains recommendations from Regional Leads and a Summary of National Discussions Document that was advanced as an annex to a Federal Memorandum to Cabinet (MC) in Fall 2024. In July 2024, First Nations-in-Assembly passed Resolution #25/2024, *Advocating for an ambitious, fully funded, and implemented First Nations Climate Leadership Agenda* (FNCLA), to advocate for an ambitious, fully funded, and implemented First Nations Climate Leadership Agenda, where they called on "...all relevant departments in the Government of Canada to commit to fully implementing and funding the recommendations identified in the [FNCL Agenda], including regional-specific recommendations, ensuring stable, adequate, and long-term funding for First Nations Rights, Title, and Treaty holders to implement their own climate priorities and strategies." Moving forward, the AFN will continue to support Regional Leads as they finalize their recommendation in Spring 2025, and advocate for the advancement and full implementation of the FNCLA.

An AFN delegation attended the 29th Session of the Conference of the Parties (COP 29) to the UN Framework Convention on Climate Change (UNFCCC) in Baku, Azerbaijan, from November 11-22, 2024.

Conservation and Biodiversity

In 2024, Canada developed its National Biodiversity Strategy and Action Plan (NBSAP). The AFN, guided by engagement with First Nations and the ACE, provided written feedback on three drafts of the NBSAP. The NBSAP was formally introduced in June 2024 and tabled at the Convention on Biological Diversity (CBD) Conference of Parties in October 2024. In parallel with the NBSAP, Canada introduced Bill C-73, *Nature Accountability Act* (NAA), to legislate certain portions of its CBD commitments, notably limited to reporting on progress, rather than achievement of commitments. The AFN continues to advocate for stronger language and commitments within the NAA as it progresses through parliamentary processes. Advocacy work on both the NBSAP and NAA continues to focus on strengthening rights-based language and securing opportunities for First Nations leadership in achievement of conservation objectives.

Internationally, the AFN continues to participate in the CBD COP, with representatives attending COP 16 in Cali, Columbia, in October 2024. The AFN also continues to be involved in the International Indigenous Forum on Biodiversity (IIFB), as the North America Regional Coordinator for Canada and the United States. Both NBSAP and CBD-related work continue to inform lateral work areas, including the First Nations Nature Table



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(FNNT), a bilateral technical table between the AFN and federal representatives. The FNNT hosted its second meeting in November 2024 to determine work areas and opportunities to progress shared nature priorities.

The AFN continues research on the Species at Risk Act (SARA) as a tool to advancing and protecting First Nations' authority and jurisdiction through section 11 and 12 of the Act. In-person engagements were held during the 2024 National Climate Gathering, and further online engagements are planned to continue informing First Nations on the subject.

The AFN is developing a conservation and biodiversity website, which will include accessible information on file areas, policy updates, engagement opportunities, regional examples, stories, and useful resources and links.

Environmental Health - Right to a healthy environment (RTHE)

The AFN remains engaged with Canada on the development of a Right to a Healthy Environment (RTHE) Implementation Framework. In accordance with Bill S-5, the amended Canadian *Environmental Protection Act* (CEPA), which received Royal Assent on June 13, 2023, Canada is obligated, within two years of the amendment coming into force, to develop an Implementation Framework to set out how the right to a healthy environment will be considered in the administration of CEPA. To this end, Environment and Climate Change Canada and Health Canada have initiated a two-year engagement process, including Indigenous-specific engagements, to develop a RTHE Implementation Framework. A draft Implementation Framework for the Right to a Healthy Environment under the CEPA was published on October 5, 2024, for public engagement. The AFN is advocating for the inclusion of First Nations in the development and implementation of Canada's RTHE Framework. This includes creating mechanisms to ensure First Nations can assert their rights, knowledge systems, priorities, and access to the necessary resources to meaningfully contribute to the development of the Implementation Framework for RTHE.





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Environmental Justice

Bill C-226, *the National Strategy Respecting Environmental Racism and Environmental Justice Act*, received Royal Assent on June 20, 2024. The Government of Canada has two years after the day of enactment to develop a national strategy to promote efforts across Canada to advance environmental justice and assess, prevent, and address environmental racism. Environment and Climate Change Canada (ECCC) has begun a 2-year engagement process, including Indigenous-specific engagements, to develop an environmental justice national strategy. The AFN is working with ECCC to ensure the inclusion of First Nations throughout the process of developing the national strategy for environmental justice. Additionally, the AFN is advocating for a First Nations Environmental Justice Strategy.

Chronic Wasting Disease (CWD)

The AFN continues to promote wildlife and human health by actively participating in Chronic Wasting Disease (CWD) research and prevention efforts while advocating for First Nations concerns and solutions. To date, CWD has been detected in five provinces: British Columbia (BC), Alberta (AB), Saskatchewan (SK), Manitoba (MB), and Quebec (QC). The AFN has reconvened the CWD working group to advance research and engagement led by and for First Nations. Additionally, the AFN is developing a CWD discussion paper that incorporates regional perspectives, inputs, knowledge, and concerns, along with legal tools to support First Nations in addressing CWD. The AFN is also creating communications tools to enhance education and awareness. Furthermore, a dedicated section of the AFN conservation and biodiversity website will focus on CWD. The section will include updates on CWD, accessible information and resources, and federal and provincial updates on CWD testing and tools.

Impact Assessment

In response to the 2023 Supreme Court of Canada (SCC) Opinion, the Government of Canada amended the *Impact Assessment Act* (IAA) through the *Budget Implementation Act, 2024*. These amendments included changes to sections of the IAA related to project designation, screening decisions, public interest decisions, definition of federal effects, substitution, and assessment by integrated panels. The AFN made a submission to the relevant Senate Committee, advocating for changes to the IAA to strengthen the act for First Nations.

Following the amendments, the Impact Assessment Agency of Canada (IAAC) announced plans to review and update necessary regulations, policies, procedures, and guidance documents. Additionally, the Agency has begun its mandated review of the Physical Activities Regulation (Project List) and is engaging on a proposed regulation and policy approach to enable Indigenous Co-Administration Agreements and changes to the existing Ministerial Exclusion Order.

The AFN hosted a series of webinars to share information with First Nations on IAAC's proposals and facilitate dialogue to identify technical recommendations. The AFN has prepared Technical Submissions and will continue advocating for the full and meaningful inclusion of First Nations, regional organizations, and provincial and territorial bodies at all intervention points throughout the regulatory process of all projects.



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Next Steps

In recent years, climate change and biodiversity conservation have gained focused global attention and commitments, with growing recognition of their interconnectedness. This awareness, along with an understanding of their links to environmental health, highlights the urgent need for dynamic, innovative, and multifaceted solutions to tackle these challenges.

The AFN continues to advance work as mandated by the First Nations-in-Assembly, with the guidance of the ACE, JCCA, and FNNT. Urgent action remains critical to address climate change, biodiversity loss, and environmental health. First Nations must continue to guide national and international efforts to combat these crises. The AFN will continue advocating both domestically and internationally to position First Nations as leaders in environment-related initiatives and as caretakers and stewards of their traditional lands, territories, and waters.





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Lands

History

The AFN supports First Nations' self-determination over their lands, territories, and resources through advocacy, policy, and legislative initiatives. Under the guidance of the Chiefs Committee on Lands, Territories, and Resources (CCoLTR), the AFN is involved in a co-development process to address the Government of Canada's conflict of interest in the specific claims process. In this context, the AFN is advocating for the establishment of an Independent Centre for the Resolution of Specific Claims (Independent Centre) and transformative policy change to ensure access to justice for First Nations. The AFN is also focused on the re-design of the Additions to Reserve (ATR) Policy to address existing barriers to the return of lands.

First Nations-in-Assembly passed Resolution #09/2020, Jointly Develop a Fully Independent Specific Claims Process, calling on Canada to work directly with the AFN and the CCoLTR to co-develop a fully independent specific claims process consistent with the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) and the following four principles: Maintenance of the Honour of the Crown, Independence in all aspects of Claims Resolution, Recognition of Indigenous Laws, and No Arbitrary Limits on Compensation.

AFN's Recent Advocacy

Specific Claims

In 2024, through Resolution #11/2024, *Ensuring Access to Justice for Specific Claims through Policy Reform*, First Nations-in-Assembly directed the AFN to advance policy reforms while continuing joint efforts with the Government of Canada to establish an Independent Centre for the Resolution of Specific Claims through legislation.

The AFN remains committed to advancing the co-development of the Independent Centre with Canada, although significant areas of divergence persist, such as the \$150 million compensation limit at the Specific Claims Tribunal and restrictions on claimant eligibility. Under the direction of the CCoLTR, the AFN will continue joint efforts to resolve these critical differences with Canada while also exploring policy reforms. These reforms include the establishment of a framework for advanced payments prior to settlement, removal of the arbitrary 10% cap on land acquisition costs, recognition of Indigenous laws in claims resolution, and the creation of a renewed research funding envelope and framework.

The AFN acknowledges the challenges of co-developing legislation for the Independent Centre in the current political environment (e.g., a federal election) and remains committed to meaningfully advancing and implementing the policy reforms mandated by First Nations-in-Assembly. The AFN will continue to update First Nations-in-Assembly, and engage directly with First Nations, as these concurrent Specific Claims reform initiatives move forward.



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Additions to Reserve

First Nations have been advocating for a more effective and efficient way to add lands to their reserves for decades. The Minister of Crown Indigenous Relations and Northern Affairs Canada (CIRNAC) has a mandate to accelerate work with First Nations to redesign the Additions to Reserve (ATR) Policy. This redesign responds to decades of First Nations' concerns with the lengthy, complex, and time-consuming process used to convert lands to reserve. The AFN Resolution #37/2023, *Returning First Nations Lands through Additions to Reserve Reform*, calls on the Government of Canada to co-develop with First Nations, a clear, effective, and transparent ATR process, and mandates the AFN to advance the many different priorities First Nations have respecting ATR, including through policy and legislative reforms.

In 2024, the AFN completed a national ATR survey, carried out five ATR Case Studies, and hosted a series of interviews with officials in Indigenous Services Canada (ISC) regional land offices. The results of these initiatives are being used to support the identification of ATR policy reforms.

To support a redesign of the ATR Policy, CIRNAC initiated a Technical Advisory Committee (TAC) on ATR. The TAC is comprised of the AFN, the Lands Advisory Board (LAB), the National Aboriginal Lands Managers Association (NALMA), CIRNAC, and ISC and is intended to facilitate the development of ATR policy reforms for consideration by federal decision makers and First Nations leadership. The TAC has focused on interim improvements to the ATR Policy and is working toward a broader redesign of the ATR Policy.

Next Steps

The AFN is seeking resources to carry out various research, engagement and advocacy projects aimed at implementing the National First Nations Homelessness Action Plan. As part of these efforts, the AFN is also progressing on the implementation of a HICC funded research project that focuses on understanding and addressing homelessness among First Nations Veterans. This project is being conducted in collaboration with the First Nations Veterans Council.

At the 2024 Annual General Assembly, the AFN passed Resolution 44/2024, *Support for First Nations led responses to Chronic and Unsheltered Homelessness*. This resolution aligns with the recommendations from the Office of the Federal Housing Advocate's final report on homeless encampments, which calls for new resource allocations and meaningful engagement with First Nations in measures to address homelessness encampments that impact their citizens on their traditional territories. The AFN continues to advocate for full implementation of this resolution, working closely with HICC to ensure AFN and First Nations input is incorporated into the development of a National Encampments Response Plan.

Moving forward, the AFN will continue its advocacy efforts to compel the federal government to commit to the estimated \$349.2 billion required to close the First Nations infrastructure gap by 2030, including \$135.1 billion specifically for First Nations housing needs, as this investment is essential to ending homelessness for First Nations. The AFN will also continue to advocate for adequate funding for First Nations to address homelessness as it impacts their citizens, which includes meeting immediate needs while working towards long-term, sustainable solutions that respect First Nations' jurisdiction over housing and social services.



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First Nations Water Stewardship

History

Water is the essence of life, uniting all of us on Mother Earth. For First Nations, our inherent rights and responsibilities call us to safeguard our lands and waters for both current and future generations. These duties are deeply rooted in our unique relationships with the land, water, and all living beings. The well-being of our ecosystems, relationships, and communities is interconnected, reflecting First Nations' knowledge systems and governance. However, our ability to care for the land and exercise our inherent Treaty rights is increasingly threatened by climate change and human-induced challenges. Protecting our lands and waters is, therefore, of utmost importance.

AFN's Recent Advocacy

The Assembly of First Nations (AFN) is dedicated to supporting First Nations' stewardship of inland and marine waters in a manner that upholds our rights, title, and jurisdiction. This commitment includes the meaningful involvement of First Nations women and gender-diverse individuals in water-related decision-making, honouring their traditional roles. Guided by the Advisory Committee on Climate Action and the Environment (ACE), we work to ensure that water initiatives reflect First Nations' priorities and knowledge through holistic, whole-of-government, and distinction-based approaches.

Mandated by the First Nations-in-Assembly, our work focuses on three central themes: Marine Conservation and Biodiversity, the Sustainable Development Goals (SDGs), and Freshwater Protection.

Marine Conservation and Biodiversity

The AFN is committed to holding Canada accountable for its commitments to halt biodiversity loss by 2030. The AFN's advocacy prioritizes implementing the Kunming-Montreal Global Biodiversity Framework (GBF) and promoting First Nations-led Indigenous Protected and Conserved Areas (IPCAs) across all water bodies. The AFN collaborates with Fisheries and Oceans Canada (DFO), Environment Climate Change Canada (ECCC), and Parks Canada to advance IPCAs in marine areas.

In addition, the AFN has secured a commitment from the DFO to implement recommendations from the AFN's Marine IPCA Report and to develop an implementation plan for the *United Nations Declaration on the Rights of Indigenous Peoples Act* Action Plan Measure #42, whereby DFO is responsible "through meaningful consultation and collaboration and partnerships with Indigenous governments, organizations, communities and other partners, [to] advance marine Indigenous Protected and Conserved Areas to support Canada's commitments to reconciliation and marine conservation."

The AFN is also developing an IPCA Support Bundle to assist First Nations in establishing and governing IPCAs. Supported by the ACE, the Marine IPCA Sub-Working Group, and First Nations, the AFN is conducting



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an environmental scan of marine IPCA resources. Throughout these efforts, the AFN continues to advocate for sustainable funding to enhance First Nations' capacity for decision-making and stewardship.

At the 16th Conference of the Parties (COP 16) to the United Nations Convention on Biological Diversity (CBD), the AFN reiterated the need for full Indigenous participation and urged Canada to support First Nations-led conservation as a key strategy to reverse biodiversity decline, aligning with the *United Nations Declaration on the Rights of Indigenous Peoples*.

Freshwater Protection

The AFN advocates for the recognition of First Nations inherent and Treaty rights to water, particularly against industrial activities threatening surface waters and groundwater. This advocacy supports First Nations-led initiatives for water resource protection, emphasizing inclusive governance that integrates diverse perspectives into sustainable stewardship.

As the Nuclear Waste Management Organization (NWMO) selects a site for a deep geological repository (DGR) for radioactive waste, the AFN is advocating for transparent communication with First Nations. In Spring 2024, the AFN hosted regional dialogue sessions on nuclear waste transportation and storage. In line with AFN Resolution #52/2023, *Securing Accountability of Nuclear Technology, Waste, Transport and Storage*, the AFN produced a report with recommendations for the NWMO and the Government of Canada, emphasizing the importance of addressing concerns related to the DGR site and transportation routes.

The AFN continues to call for stronger accountability and monitoring mechanisms, as outlined in Resolution #50/2023, *Addressing Impacts from Mining Activities*, which addresses mining impacts. AFN National Chief Cindy Woodhouse Nepinak has urged collaboration with the Ministers of Indigenous Services Canada, Environment and Climate Change Canada, and Natural Resources Canada, emphasizing the need for strengthened consultations and measures to prevent mining-related harm to First Nations communities.

The AFN's advocacy for the *First Nations Clean Water Act* (Bill C-61) focuses on securing amendments that uphold First Nations' rights to self-governance over water resources and ensure source water protection. The AFN is also engaging with the Canada Water Agency to develop a First Nations-led stewardship task force and to hold engagement sessions that explore First Nations' priorities regarding the modernization of the Canada Water Act.

Sustainable Development Goals (SDGs)

As Canada commits to the UN 2030 Agenda for Sustainable Development, the AFN advocates for a First Nations pathway to achieve the 17 SDGs, ensuring that no First Nation is left behind as the country addresses issues of inequality, environmental sustainability, and economic growth. The AFN's advocacy efforts center on ensuring that First Nations' rights and priorities are integrated into Canada's progress on the 2030 Agenda.

At the AFN 3rd National Climate Gathering, which was held on October 7-10, 2024, the AFN hosted a workshop to inform First Nations about leveraging Canada's commitments to the UN 2030 Agenda and the SDGs.



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Participants learned about Canada's progress on the SDGs and initiatives for a First Nations-led pathway to achieving these goals.

Looking ahead, the AFN will engage First Nations to further develop this pathway and initiate efforts on data disaggregation. The AFN will also seek collaborative opportunities with Fisheries and Oceans Canada to advocate for First Nations' priorities and showcase First Nations-led marine conservation efforts at the 2025 UN Ocean Conference.

Next Steps

The AFN will continue its advocacy for the recognition and respect of First Nations' inherent and Treaty rights to water, particularly considering industrial activities threatening water systems. This includes promoting First Nations-led initiatives for water protection and ensuring the involvement of women and gender-diverse individuals in decision-making processes.

As the NWMO selects a site for the deep geological repository, the AFN will maintain its commitment to advocating for open communication and transparent engagement, while implementing the recommendations from its report on the transportation and storage of used nuclear waste to ensure accountability to First Nations.

To strengthen accountability mechanisms, the AFN will work with the Ministers of Indigenous Services Canada, Environment and Climate Change Canada, and Natural Resources Canada to prevent mining-related harm to First Nations. Efforts will also focus on advancing the First Nations Clean Water Act (Bill C-61) to uphold self-governance rights and source water protection, as well as engaging with the Canada Water Agency to develop a First Nations-led stewardship task force.

Additionally, the AFN aims to work with First Nations to further develop a pathway toward achieving the Sustainable Development Goals and to initiate data disaggregation efforts. Collaborative opportunities with Fisheries and Oceans Canada will also be sought to highlight First Nations' priorities at the upcoming 2025 UN Ocean Conference, while ongoing support for the implementation of the AFN's Marine IPCA Report recommendations will enhance First Nations' capacity to establish and govern IPCAs.





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Bill C-38 and Citizenship

History

Through the imposition of the Indian Act, the Government of Canada continues to enforce an oppressive system of legislative assimilation which continues to unilaterally define First Nations identity. The Indian Act system of membership is a denial of First Nations self-determination and has caused severe harm to First Nations, including to generations of First Nations women and their descendants. While Indigenous Services Canada (ISC) is responsible for reforming the Indian Act, Crown Indigenous Relations and Northern Affairs Canada (CIRNAC) has a mandate to support First Nations' self-determination over citizenship.

In response to litigation from First Nations, the Government of Canada has incrementally removed certain discriminatory elements of the Indian Act through policy, regulatory, and legislative measures. In 2017, the Government of Canada initiated Bill S-3, *An Act to Amend the Indian Act*, in response to the Superior Court of Quebec decision in *Descheneaux c. Canada (Procurer general)*. Bill S-3, designed to remove all gender-based discrimination in the Indian Act, came into force in 2019 but failed to address the broader denial of self-determination in the registration provisions of the Indian Act.

In 2021, a group of plaintiffs launched a constitutional challenge (*Nicholas v AGC*) to address ongoing inequities faced by individuals with a family history of enfranchisement under the Indian Act. Following a brief period of engagement, Minister of Indigenous Services Patty Hajdu introduced Bill C-38, *An Act to amend the Indian Act (new registration entitlements)*, in Parliament to remedy the impacts of historical enfranchisement. Bill C-38 completed its first reading in Parliament in December 2022 and advanced to second reading in October 2023. In March 2024, Bill C-38 underwent debate in the second reading before being sent to committee.

AFN's Recent Advocacy

First Nations-in-Assembly passed AFN Resolution 42/2022, *Demand for Consultation on Amendments to the Indian Act (1985)*, which calls on the Government of Canada to not table any legislative amendments until it has adequately consulted with First Nations and provided the necessary resources for community engagement. The AFN is preparing a parliamentary submission on Bill C-38 and has called on the Government of Canada to provide adequate resources to all First Nations to engage with their citizens.

In 2024, the AFN participated in a multi-partner engagement Indigenous Advisory Process (IAP) on the second-generation cut-off provisions in the Indian Act. The IAP brought together First Nations regional and national organizations to provide guidance to ISC on how to consult and cooperate with First Nations to address the second-generation cut-off. The AFN is pursuing opportunities with ISC to support First Nations to engage in reforming elements of the Indian Act surrounding enfranchisement, deregistration, the second-generation cut-off, and promote First Nations' rights to self-determination over citizenship. The second phase of ISC's Indigenous Advisory Process is set to begin in late Fall 2024, with a call for proposals from First



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Nations and Indigenous Organizations on solutions to the second-generation cut-off and section 10 voting threshold issues, with up to \$10,000 available per issue.

In October 2024, the AFN sent letters to the Ministers of ISC and CIRNAC advocating for adequate funding for First Nations to support self-determination over citizenship. These letters also called on the Government of Canada to work with First Nations to develop opt-in alternative to the Indian Act's registration system with a framework developed and controlled by First Nations, supporting their right to self-determination and governance over their Nations identity.

Next Steps

The AFN will continue to provide information to update First Nations-in-Assembly on active processes undertaken by the Government of Canada that may impact First Nations citizenship. The AFN will also continue to call on the Government of Canada to take a whole of Government of approach to reform and provide First Nations with adequate resources to support First Nations led engagement on opt-in and comprehensive alternatives to the Indian Act system of recognition.

The AFN will continue to monitor Bill C-38 as it moves through the House of Commons and seek opportunities to intervene and advocate for approaches to First Nations citizenship that recognize First Nations self-determination, are consistent with the minimum standards of the United Nations Declaration on the Rights of Indigenous Peoples and provide adequate resources to all First Nations to engage with their citizens on these critical issues.





Rights and Justice Branch



The New Fiscal Relationship

History

The goal of the New Fiscal Relations work is to ensure that First Nations governments are adequately supported to provide essential services to their citizens. Fiscal and governance capacity empowers First Nations to exercise greater control over their affairs and pursue self determination in areas such a governance, land management, and economic development.

Based on Resolution 66/2017, *AFN-Canada Joint Report on Fiscal Relations*, the AFN and Government of Canada co-developed the New Fiscal Relationship transfer (NFR Grant), an opt-in funding mechanism designed to offer First Nations an alternative to funding through contribution agreements. The NFR Grant provides several significant benefits to First Nations, including a 10-year term, flexibility to design and deliver services, and reduced administrative and reporting burdens. In 2021-2022, the NFR Grant was expanded to include an escalator mechanism that would annually increase the funds a First Nation receives based on population growth and inflation. The average NFR Grant escalator rate in 2024-25 was 5.1%, resulting in an additional \$40 million being provided to Grant recipients, and a cumulative escalation total of over \$100 million annually. As of October 2024, 160 First Nations have opted into the Grant.

In 2019, the Joint Advisory Committee on Fiscal Relations (JACFR) presented its report, *Honouring our Ancestors by Trailblazing a Path to the Future*, to the First Nations-in-Assembly in a plenary session at the 2019 AFN Annual General Assembly in Fredericton, New Brunswick. The report was also made available on the AFN's website.

The JACFR report contained twenty-four recommendations that require extensive engagement with First Nations in advance of implementation of the recommendations. Through AFN Resolution 24/2019, *Engage Extensively with First Nations on the Report of the Joint Advisory Committee on Fiscal Relations*, First Nations-in-Assembly called on the JACFR, the AFN, and ISC to engage extensively with First Nations across the country on the report and its recommendations. While the JACFR is no longer in operation, the AFN continues to work with ISC to develop options for First Nations to consider through future resolutions to be tabled at AFN Assemblies.

AFN's Recent Advocacy

The AFN continues to make progress on developing options for First Nations' input on the following recommendations from the 2019 JACFR Report in the following areas:

- **NFR Grant:** This fall, the AFN and ISC expanded Grant eligibility to include Tribal Councils and Health Authorities.
- **Governance Modernization:** The AFN and ISC are currently working to support First Nations governance capacity through the modernization of ISC's governance capacity programs. This is expected to complement efforts to strengthen the fiscal relationship with First Nations by enhancing both the ongoing core-funding and developmental and remedial supports.



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- **Institution Building:** The AFN is working with ISC to continue co-developing options from the 2019 JACFR Report, including exploring the development of a First Nations Auditor General, and a First Nations Financial and Statistical Institute. These institutions would support First Nations capacity development and increased jurisdiction.

Next Steps

The AFN is continuing to work with ISC on co-developing options from the 2019 JACFR Report, including exploring the development of a First Nations Auditor General and a First Nations Financial and Statistical Institute. These institutions would support First Nations capacity development and increased jurisdiction.

The AFN is also advising ISC on increasing the amount of funding to the Indian Government Support Programs, including band support funding, through a planned Memorandum to Cabinet expected to be presented in Winter 2025.

AFN Resolution 92/2013, *Continued Action on the New Fiscal Relationship and the Reestablishment of the Chiefs' Committee on Fiscal Relations*, called on the AFN to reconvene the Chief's Committee on Fiscal Relations. The AFN is currently seeking funding to support further work for the New Fiscal Relationship.

The AFN maintains that key elements of a New Fiscal Relationship between Canada and First Nations includes new funding arrangements and recognition of First Nations' jurisdiction, and the transfer of service delivery to First Nations governments and First Nations-led institutions. This work includes mutual accountability and must ensure a means for measuring progress towards closing the socioeconomic gaps.





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Border Mobility

History

The Canada-United States border impacts First Nations' daily movements, traditional practices, economic opportunities, and their family and cultural ties with Native Americans from the United States. The *United Nations Declaration on the Rights of Indigenous Peoples* affirms that First Nations, particularly those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.

Since its creation, the AFN has undertaken information-sharing and engagement with First Nations affected by border issues to support the advocacy and the implementation of their inherent and Treaty rights, including the Jay Treaty.

The AFN advocates to ensure First Nations border mobility rights are implemented and consistent with the minimum standards enshrined in the *United Nations Declaration on the Rights of Indigenous Peoples*, and the *Treaty of Amity, Commerce, and Navigation of 1794*, also known as the Jay Treaty, which recognizes the inherent right of all First Nations in Canada and the United States to pass freely through their own homelands.

AFN's Recent Advocacy

In 2024, as mandated in AFN Resolution 73/2016, *Explore Practical Solutions for Canada- U.S Border Crossing by First Nations Citizens*, the AFN and First Nations participated in consultation sessions led by Immigration Refugees and Citizenship Canada (IRCC) on First Nations' perspectives on implementing Action Plan Measure (APM) #52 from the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA) National Action Plan. APM #52 commits IRCC and the Canada Border Services Agency (CBSA) to pursue legislative amendments to the Immigration and Refugee Protection Act, to address complex border crossing and migration challenges faced by Indigenous peoples, including options to amend Canada's right of entry provision, and work and study permit requirements. While the the AFN generally supports these efforts, both the AFN and First Nations expressed concern with the aggressive timelines proposed by the Government of Canada, noting the impact on meaningful engagement.

On October 10, 2024, IRCC announced temporary measures to help Indigenous people in the United States reunite with their families in Canada and reconnect them with their traditional territories. These measures will allow eligible Indigenous people, including First Nations, whose family members live in Canada, to work or study in Canada with some requirements waived extend their stay for up to three years (for those who are already in Canada). The AFN continues to meet with IRCC to ensure implementation of these interim measures reflects First Nations priorities and challenges relating to accessibility, connectivity, and information sharing.



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The AFN continues to advocate for increased funding for First Nations to support this work and ensure First Nations are positioned to lead APM implementation.

Next Steps

The AFN anticipates that IRCC and CBSA will move forward with legislative changes to the move Indigenous border mobility out of the Immigration and Refugees Act (IRPA) and into a new act, ensuring that Indigenous persons with a right of entry are no longer considered 'foreign nationals.' The AFN is seeking necessary resources to facilitate work with the Government of Canada and First Nations in developing policy and legislative solutions. The resources will support the creation of an AFN Advisory Committee on First Nations Border Rights, which would advise the AFN on First Nations border priorities and support the implementation of UNDA regarding First Nations mobility rights. Additional priorities include identification cards, transport of regalia and sacred items, and the full implementation of the Jay Treaty and other agreements.

The AFN continues to urge both the Government of Canada and the Government of the United States to fully recognize and implement the Treaty rights of First Nations as stipulated in the Jay Treaty and to develop long-term solutions that ensure safe and easy border mobility for First Nations.





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Emergency Management

History

Environmental hazards continue to grow in size, severity, and frequency every year. First Nations are disproportionately impacted, making building capacity and training essential to prepare communities for the risks they face. First Nations are the best positioned to identify the types of hazards they face and have the unique knowledge needed to create resilient communities.

Current challenges for First Nations stem from inadequate supports from federal, provincial, and territorial governments, which is needed to empower First Nations emergency management capacities. Without their own systems or funding, First Nations face additional risks and lack the necessary equipment and personnel to develop plans,

training, procedures, and strategies to effectively prepare for, mitigate, respond to, and recover from emergencies and hazards.

The AFN is mandated to improve funding, programs, services, and policies for First Nations' emergency management. First Nations must be supported in prevention, mitigation, preparedness, response, and recovery. The AFN strives to develop and maintain respectful working relationships between First Nations and federal, provincial, and territorial governments. These efforts help guide a cooperative and collaborative emergency management process and ensure that capacity building is the focus of all government partners.

AFN's Recent Advocacy

The AFN continues to advocate for effective, comparable, and culturally appropriate emergency services through work with Indigenous Services Canada (ISC), Public Safety Canada (PSC), and other key partners. Recent work focused on supporting communication and liaison strategies between First Nations leaders and technicians with provincial and territorial emergency management partners and advocating for more investment for First Nations capacity to engage in pro-active emergency management.

In March 2024, the AFN held an Emergency Management Forum at the Hilton Lac Leamy in Gatineau, Quebec. With close to 500 attendees, this Forum was a successful event bringing together First Nations emergency managers from across the nation and offered discussions, presentations, and updates from First Nations emergency management practitioners, federal, provincial, and non-governmental partners.

Chiefs Committee on Emergency Management (CCEM)

The CCEM provides advice to the AFN and supports ongoing work through federal, provincial, and territorial ministers' meetings. Engagement is ongoing on emergency preparedness, First Nations wildland firefighters, mutual aid agreements and a national First Nations action plan for Disaster Risk Reduction.



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The AFN welcomed newly elected Dene National Chief George Mackenzie as Regional Chief of the Northwest Territories and AFN Executive portfolio holder for Emergency Management. A key priority of Regional Chief Mackenzie is creating holistic emergency management strategies that incorporate planning and considerations to protect First Nations lands and waters from the impacts of climate change.

Work with Indigenous Services Canada (ISC) – First Nations Advisory Committee (FNAC)

Following the successful conclusion of the Steering Committee on ISC's Actions to Address Auditor General of Canada Performance Audit Recommendations on Emergency Management, the AFN is pleased to co-chair a new technical body—the First Nations Advisory Committee on Emergency Management (FNAC). FNAC will provide advice, insight, and recommendations on how to enhance the Emergency Management Assistance Program to improve its practices and support for First Nations.

Public Safety Canada (PSC) - Indigenous Emergency Management Working Group

The AFN continues to engage with PSC's Indigenous Emergency Management (IEM) Working Group. The mandate the IEM Working Group is to facilitate engagement with Indigenous peoples on strengthening Indigenous emergency management in Canada. Currently, the IEM Working Group is finalizing its terms of reference, followed by the development of a workplan that supports open and transparent communication of emergency management mandates across the whole-of-government.

Work with Partners - National Adaptation Strategy Summit Series

The AFN supported the Canadian Red Cross in co-convening a First Nations Resilience policy workshop in support of Climate Proof Canada's National Adaptation Summit Series. The Summit Series brings together a broad range of partners to meet with high level government officials to advocate for comprehensive investment in climate adaptation. This year's policy workshop was a success, and the main recommendation from the workshop is for comprehensive support from 2025 onwards for the Indigenous Climate Leadership (ICL) agenda. Supporting the ICL will generate more opportunities for First Nations to comprehensively engage with whole-of-government to advance their priorities for new policies and programming for effective emergency management to generate sustainable climate resilience.

Next Steps

The next major emergency management meeting is scheduled for late February 2025—the Indigenous, Federal, Provincial, Territorial Ministers Responsible for Emergency Management meeting.

The AFN will continue to promote the development of First Nations-led care and control of emergency management regimes and ensure that all federal, provincial, and territorial emergency management policies, processes, and procedures are inclusive of First Nations representation. With distinct and specific support First Nations can fully implement their own culturally relevant emergency management policies, programs, and procedures that best serve their specific hazardscapes, and incorporate their distinct ways of knowing and being to create emergency management programs that best serve each First Nation.



Rights and Justice Branch



First Nations Policing

History

Since 1992, First Nation Police Services have been funded through the federal government's First Nations and Inuit Policing Policy (FNIPP). While the FNIPP was intended to improve social order, public security, and personal safety in First Nations, it has been chronically underfunded. This chronic underfunding is a critical factor in the inequities in First Nations policing compared to non-First Nations police systems.

In December 2020, the Minister of Public Safety and Emergency Preparedness announced it would create new First Nations policing legislation; the federal government committed to working with First Nations to create a federal framework that recognizes First Nations policing as an essential service. Since the announcement, the AFN has worked closely with First Nation leaders and Chiefs of Police to develop policy options for a legislative framework. Following the federal government's announcement of its intention to establish a new legislative framework for First Nations Policing, Public Safety Canada (PSC) carried out their own virtual engagement sessions to get input on the development of the First Nations Policing legislation.

AFN's Recent Advocacy

The AFN completed three years of national engagement and supported regional engagement to help inform the co-development of federal legislation recognizing First Nations policing as an essential service. Through this engagement with First Nations, First Nations Police Services, and regional organizations, the following three key priorities were identified as being critical to any legislation introduced on First Nations policing:

1. **Rights Recognition:** Recognition of the First Nation's self-determination under its inherent Treaty, protected and recognized by the Canadian Constitution, consistent with UN Declaration/UNDA, and complementing provincial/territorial policing legislation and regulations.
2. **Essential Services Designation:** Recognition that First Nations police services are integral to community safety and security and an "essential services" designation is necessary to protect and enhance these services through legislation with equitable resources through culturally relevant and responsive policing services.
3. **Equitable funding:** Recognition that First Nations police services must be equitably funded and comparable to standard police services in Canada, consistent with their recognition as essential services.

In early 2024, Public Safety Canada indicated its intention to bring forward legislation that enables the provinces and territories to legislate for First Nations police services and police governance. Such legislation is unprecedented nationally. This approach is a significant step backward in what AFN and the Government of Canada have been able to accomplish on other co-developed legislation, like Indigenous languages, child welfare and the UNDA legislation.



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To identify a solution to conflicting mandates and objectives, the National Chief met with the Minister of Public Safety to identify a path forward which could include legislation recognizing First Nations policing as an essential service and provide equitable funding, while ensuring First Nations jurisdiction over policing on reserve is not compromised or undermined.

The AFN continues to maintain that First Nations will not support legislation on First Nations policing that does not recognize First Nations inherent, Treaty, and Constitutional rights. Co-developed legislation stalled with no consensus on recognizing First Nations jurisdiction over policing. Pushing advocacy forward, the AFN has developed a position paper that outlines rights recognition and jurisdiction over policing that meets the safety and security needs of communities.

Next Steps

Political discussions with the Minister of Public Safety on First Nations policing legislation remain ongoing. The AFN will continue to lobby for the co-development of First Nations policing consistent with conditions set out in Resolution 41/2023, *Support for Equitable Funding for First Nations Policing*.

The AFN is dedicated to the full implementation of a First Nations policing legislative framework that both secures the proper funding and resources for First Nations police services, upholds First Nations inherent, Treaty, and constitutional rights consistent with the UN Declaration, and supports non-colonial, community-based models, as required by each community wishing to participate in the framework.

The AFN also continues to work with the First Nations Policing Task Force, liaison with the First Nations Chiefs of Police and other relevant bodies to solidify its position for First Nations policing in Canada.





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Indigenous Justice Strategy and Justice Reform

History

In January 2021, the Minister of Justice and Attorney General of Canada was mandated with developing, in consultation and cooperation with Indigenous partners, provinces and territories, an Indigenous Justice Strategy (IJS) to address systemic discrimination and the overrepresentation of Indigenous peoples in the justice system.

In 2021, the AFN was mandated by First Nations-in-Assembly through Resolution 36/2021, *Call for Recommitment, Funding and a Clear Timeline for Development and Implementation of a National First Nations Justice Strategy*, to urgently co-develop a strategic framework to develop and implement a National First Nations Justice Strategy (FNJS).

The AFN hosted three National Forums focused on various themes to address the systemic failures and overrepresentation of First Nations people in the justice system. The themes focused on topics such as the revitalization of legal traditions, restorative justice, and reclamation of First Nations jurisdiction over justice systems and policing. Discussions included strategies in the reclamation of First Nations customary laws and legal traditions, the development of First Nations courts, and creating effective restorative justice programs to meet the needs of First Nations people.

AFN's Recent Advocacy

The AFN-Justice Canada ad hoc committee has met regularly to discuss the co-development of the FNJS Chapter of the IJS. The AFN also attended themed IJS discussions hosted by Justice Canada throughout the summer.

On October 16, 2024, the AFN joined a meeting between Federal-Provincial-Territorial Ministers responsible for Justice and Public Safety and National Indigenous Leaders and Representatives. One of the key agenda items was the IJS. During this meeting, the Minister of Justice and Attorney General, Arif Virani, confirmed that the final version of the IJS is scheduled for release in December 2024.

The AFN led a co-drafting process with technical support from the British Columbia First Nations Justice Council and Chiefs Committee on Justice (CCoJ) to write a FNJS. The AFN also held a Think Tank on Data to inform an approach to build in monitoring and evaluation mechanisms to the FNJS. Engagement meetings were held with the CCoJ, AFN Women's Council, and AFN 2SLGBTQQIA+ Council to provide additional feedback into the FNJS prior to finalization.



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The AFN continues to advocate for increased funding for First Nations to support this work and ensure First Nations are positioned to lead APM implementation.

Next Steps

Once the IJS is finalized, with its release planned for December 2024, the AFN will shift to the co-implementation phase. At the December 2024 Special Chiefs Assembly, the AFN will provide an update on the IJS and the FNJS Chapter to help the transition to co-implementation activities. The AFN-Justice Canada ad hoc committee will continue meeting to identify next steps for initial implementation and funding to support this work moving forward.





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United Nations Declaration on the Rights of Indigenous Peoples Act

History

In 2021, after decades of advocacy by the Assembly of First Nations (AFN) and First Nations, Canada passed the *United Nations Declaration on the Rights of Indigenous Peoples Act* (the UNDA), providing a roadmap for the implementation of the UN Declaration by the Government of Canada.

On June 21, 2023, the Department of Justice (DOJ) released Canada's National Action Plan to implement the UNDA. The Action Plan includes 181 priority Action Plan Measures (APM) to guide the Government of Canada's implementation of the UNDA.

AFN Resolution 20/2023, *United Nations Declaration on the Rights of Indigenous Peoples Act Draft National Action Plan*, affirms that the Action Plan does not constitute all actions needed to ensure the full implementation of the UN Declaration and calls on the Government of Canada to continue to update the Action Plan. Since its release, the DOJ has produced two annual reports highlighting the Government of Canada's efforts to implement the UNDA. The AFN produces its own regular reports for First Nations, monitoring federal progress on implementing the UNDA.

The AFN Chiefs Committee on the United Nations Declaration Act (CCUNDA) is mandated to provide political and technical advice to the AFN on the UNDA's implementation.

AFN's Recent Advocacy

The Government of Canada has acknowledged that initial processes regarding funding and engagement with First Nations, including the development of the National Action Plan, Annual Reports, and the alignment of laws and policies, require further refinement, funding, and leadership by First Nations.

In collaboration with the CCUNDA, the AFN continues to advance a range of advocacy initiatives to ensure more effective UNDA implementation. Sufficient, predictable, and sustainable funding is essential for First Nations to meaningfully participate in UNDA implementation. Federal Budget 2024 did not include the additional resources needed to advance APM implementation. In its 2025 Pre-Budget Submission, the AFN advocated for the renewal and expansion of the Indigenous Partnership Fund with an investment of \$814.5 million over five years. These investments would support First Nations and regional representative organizations in developing capacity and participating meaningfully in implementation.

The AFN also continues to work with the Government of Canada through a Joint Working Group to advance First Nations concerns respecting the UNDA implementation and to collaboratively identify positive solutions. To support consistent and coordinated approaches to APM implementation, including monitoring and reporting, the Working Group has been co-developing an APM mapping initiative to identify meaningful progress and gaps.



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In October, AFN Youth Council Co-Chair Isaiah Bernard appeared before the Senate Standing Committee on Indigenous Peoples (APPA) to provide verbal testimony on the status of the implementation of the UNDA in Canada and discuss youth priorities with respect to UNDA implementation.

Next Steps

In 2025, the AFN will develop evaluation and reporting metrics on UNDA implementation progress through a First Nations-lens. This will assist the Government of Canada in its own reporting to First Nations on progress and support First Nations with identifying opportunities and gaps for rights implementation through APM advancement. The AFN will continue to report to First Nations, including providing public quarterly reports via the AFN website.

Finally, the AFN will host a UNDA National Policy Forum on February 4-5, 2025, in Vancouver, BC, to bring First Nations leadership, technicians, and experts together to share knowledge and best practices on supporting First Nations rights and discuss the state of UNDA implementation in Canada.





Rights and Justice Branch



Missing and Murdered Indigenous Women, Girls and 2SLGBTQIA+ (MMIWG2S+)

History

In 2021, the Assembly of First Nations (AFN) Women's Council conducted a National Engagement Process across all AFN Regions for the development of the National Action Plan to end violence against Indigenous women and girls. This regional engagement informed the development of a First Nations National Action Plan (FNNAP) in response to the 231 Calls for Justice from the National Inquiry into Missing and Murdered Indigenous Women and Girls (MMIWG) titled, *"Breathing Life into the Calls to Justice."* This FNNAP contributes to the federal government's MMIWG National Action Plan to End Violence Against Indigenous Women, Girls and 2SLGBTQIA+ Peoples (MMIWG2S+ NAP) and will be a driving force in the implementation of the 231 Calls for Justice.

In alignment with the FNNAP, the AFN hosted a hybrid National MMIWG2S+ Gathering in Vancouver, B.C., in February 2023. On June 3, 2023, the AFN released the report *"Connecting Hearts & Making Change – Building on Breathing Life into the Calls for Justice,"* which reflects the voices of MMIWG2S+ survivors and families who attended the Gathering. The report also reinforces the priority frameworks from *Breathing Life into the Calls for Justice* and provides additional unique additions to the four pillars: Justice, Human Security, Health and Wellness, and Culture as Safety.

AFN's Recent Advocacy

The AFN continues to advocate for the full implementation of the National Inquiry's 231 Calls for Justice (CFJ). On July 23, 2024, AFN MMIWG2S+ Portfolio Holder Regional Chief Wendell LaBobe and Chair of AFN Women's Council Chief Connie Big Eagle participated in the Federal-Provincial-Territorial-Indigenous (FPTI) meeting for the Status of Women. During the meeting, the AFN led the discussions on the overrepresentation of First Nations women in the criminal justice system. The AFN emphasized that overrepresentation should not be left to only the Justice and Public Safety ministers to address, and solutions must also be driven by ministers responsible for the Status of Women and gender equality.

The AFN also attended the Sixth Convening of the Trilateral Working Group on Violence Against Indigenous Women and Girls. This meeting provided an opportunity to discuss the overarching priority theme of *Gender-based violence through the lens of self-determination*, with Indigenous organizations and Ministers from Canada, the United States, and Mexico. At this meeting, Indigenous partners agreed to coordinate a meeting separate from the main convening to advance discussions and work. This proposed meeting will take place virtually on January 15, 2025.



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Next Steps

The AFN will continue to advocate to advance the priorities outlined in the FNNAP and for adequate resources and funding to address the crisis of MMIMB2S+. The AFN will regularly monitor implementation of the CFJ, in preparation for the 2025 Calls for Justice Report Card. Namely, the development of a National Indigenous Human Rights Ombudsperson and the continued commitment towards protecting First Nation women, girls, and 2S+ people.

The AFN will continue to advocate for a culturally appropriate national alert system that is equitably funded, resourced, inclusive, and accountable to survivors, their families, and First Nations. Similarly, the AFN will continue to monitor legislation, programs, and policies pertaining to the protection of First Nation women, girls, and 2S+ people such as Bill S-250. In addition, the AFN will continue to advocate for dedicated resources to address the issue of Murdered and Missing Indigenous Men and Boys.

The AFN is preparing for the 69th Session of the United Nations Commission on the Status of Women (UNC69)/ Beijing+30, which is taking place in New York City in March 2025. The main focus of UNC69 will be on the review and appraisal of the implementation of the [Beijing Declaration and Platform for Action](#) and the outcomes of the [23rd Special Session of the General Assembly](#).





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Indian Residential Schools and the National Council for Reconciliation (NCR)

History

The Indian Residential School system existed for more than 150 years, operating from 1831-1996, involving over 150,000 Indigenous people and affecting every First Nation from coast to coast to coast. Residential schools were not schools but rather institutions of assimilation and genocide, designed to eliminate their connection to culture and families by forcibly removing children from their homes through official policy that was enforced by the Royal Canadian Mounted Police (RCMP). This policy

was created and funded by the Canadian government and managed by church officials who practiced cultural genocide by forcefully preventing children from speaking in their own language or engaging in traditional practices.

In 2015, First Nations-in-Assembly passed Resolution 01/2015, *Support for the Full Implementation of the Truth and Reconciliation Commissions Calls to Action*. This resolution recognized the need for reconciliation to be supported by a legislative, regulatory, policy, and administrative framework that both involves the Truth and Reconciliation Commission's (TRC) 94 Calls to Action (CTA) and the mechanisms for ongoing reconciliation between First Nations and the Crown. Specifically, CTAs 53-56 call on the federal government to create legislation for a National Council for Reconciliation (NCR), including sustainable funding and annual reporting.

AFN's Recent Advocacy

On April 30, 2024, Bill C-29, *An Act to Provide for the Establishment of a National Council for Reconciliation*, received royal assent. This enactment allows for the establishment of a NCR as an independent, non-political, permanent, and Indigenous-led organization to advance reconciliation with Indigenous peoples.

While the AFN supports the establishment of an NCR, the AFN raised several concerns during the passage of Bill C-29. The final version of Bill C-29 addressed the concern on the Duty to Consult with the addition of s. 7.1(b), clarifying that, "no duty to consult an Indigenous group, community, or people that holds rights recognized and affirmed by section 35 of the Constitution Act, 1982 is discharged by consulting or engaging with the Council." However, that was the only concern Bill C-29 addressed, and the Act falls short of fulfilling CTA 53, which calls for an independent national body to track the federal government's efforts to rebuild the relationship with Indigenous peoples. Additionally, Bill C-29 fails to recognize the joint appointment of all seats between the Minister and National Indigenous Organizations.

On October 29, 2024, Kimberly Murray, the Independent Special Interlocutor for Missing Children and Unmarked Graves and Burial Sites associated with Indian Residential Schools, released her *Indigenous-Led Reparations Framework*. The Special Interlocutor's mandate involved working closely and collaboratively with Indigenous leaders, communities, survivors, families, and experts to identify measures needed for a federal legal framework that ensures the respectful and culturally appropriate treatment and protection of unmarked



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graves and burial sites of children at former Residential Schools. The Final Report includes 42 legal, moral, and ethical obligations that governments, churches, and other institutions to support Indigenous-led search and recovery work.

Next Steps

The AFN has prepared a public call out to select a First Nations representative as the AFN's nominee for the NCR. The AFN will also reach out to the Transitional Committee to offer advice on the selection process as it forms the NCR's first Board of Directors.

The AFN is also preparing a 10-year review of implementation activities supporting the TRC's Calls to Action. This review will be released at the 2025 AFN Annual General Assembly.





Social Branch



Early Learning and Child Care

History

Federal programs for First Nations Early Learning and Child Care (ELCC)—including Aboriginal Head Start On-Reserve, Aboriginal Head Start Urban and Northern Communities, and the First Nations and Inuit Child Care Initiative—have been historically underfunded, underserved, and inadequate to meet the needs of First Nations. With outdated and stagnant funding undermining the ability of these programs to truly support First Nations children and families, the Assembly of First Nations (AFN) has led calls for change in these services

for decades to ensure that First Nations children are properly supported in their early years.

In 2016, the First Nations-in-Assembly mandated the National Expert Working Group (NEWG) on First Nations ELCC to lead engagements to develop the First Nations ELCC Policy Framework, which outlines the vision, principles, and goals of First Nations ELCC. The Framework envisions happy and healthy First Nations children who are grounded and connected to their identity as First Nations and supported by culture and language-based programs and services determined by First Nations. The Framework was endorsed by AFN Resolution 83/2017, *Support for the National First Nations Early Learning and Child Care Policy Framework*, supporting it as the First Nations component of the Indigenous ELCC Framework that was released in 2018, along with a \$1.02 billion investment over ten years for First Nations ELCC.

AFN's Recent Advocacy

Pursuant to mandates provided by First Nations-in-Assembly regarding the development of a First Nations-determined funding model for ELCC, the AFN contracted the Institute of Fiscal Studies and Democracy (IFSD) to lead research with First Nations to develop a funding model that reflects First Nations' needs and priorities with respect to ELCC. The NEWG oversaw this work and provided guidance and insight to the IFSD in collaboration with regional ELCC governance tables and First Nations experts. The final report was completed in March 2024. The NEWG, and the newly established Chiefs Committee on ELCC continues to collaborate to bring a recommendation forward to First Nations-in-Assembly for approval.

The AFN has long advocated for increased supports for First Nations ELCC programs and services, including addressing historic funding gaps. Budget 2021 committed \$30 billion over five years, beginning in 2021-22, and \$8.3 billion ongoing in ELCC across Canada; of this, \$878.53 million is dedicated to First Nations ELCC. Pursuant to AFN's advocacy, Budget 2021 also made historic investments in First Nations ELCC infrastructure, totaling more than \$250 million over three years.

Bill C-35, *An Act respecting early learning and child care in Canada*, was tabled in the House of Commons in December 2022. The First Nations-in-Assembly passed AFN Resolution 08/2022, *Early Learning and Child Care Legislation*, outlining First Nations priorities for federal ELCC legislation and asserting that federal ELCC legislation must respect First Nations rights to self-determination and jurisdiction over ELCC, calling on Canada to engage directly



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with rights holders. In early 2023, the AFN, with input from the NEWG, prepared a submission to the House of Commons Standing Committee studying Bill C-35, outlining concerns about the lack of engagement on the legislation, the need to recognize and support First Nations jurisdiction and rights, and the need for long-term funding. The AFN also made a Senate Committee appearance to emphasize these concerns. Bill C-35 received Royal Assent on March 19, 2024. The AFN continues to collaborate with the NEWG, the Chiefs Committee on ELCC, and the federal government on the implementation of the Act as it relates to First Nations.

In April 2024, the AFN contracted the Firelight Group to develop a First Nations ELCC results framework and evaluation strategy, as outlined in the First Nations ELCC Policy Framework. The results framework and evaluation strategy are necessary tools to evaluate and understand results of ELCC programming for First Nations, by First Nations, towards the realization of First Nations determined-ELCC programming. The NEWG is overseeing and guiding the development of the results framework and evaluation strategy, and the work is set to be completed by March 2025.

In August 2024, the AFN submitted a Pre-Budget Submission (PBS) for Budget 2025, advocating for an investment of \$99.5 million over the next five years for the ELCC legacy programs to account for population growth and inflation.

Next Steps

The AFN will continue to monitor the implementation of recent budget investments in First Nations ELCC to ensure that First Nations children, families, and communities are supported by First Nations-determined and -delivered, high-quality, culture- and language-based ELCC. The AFN will continue to advocate for First Nations governance, self-determination, and jurisdiction over ELCC in the implementation of the First Nations and Indigenous ELCC Frameworks, and in the development of a national childcare system. Lastly, as identified in the First Nations ELCC Framework, the AFN and the NEWG will work collaboratively to oversee and advise the development of a First Nations ELCC results framework and evaluation strategy.





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Compensation and Long Term Reform of First Nations Child and Family Services Program

History

In 2007, the Assembly of First Nations (AFN) and the First Nations Child and Family Caring Society filed a complaint at the Canadian Human Rights Tribunal (CHRT), alleging discrimination against First Nations children and families in the delivery and underfunding of First Nations Child and Family Services (FNCFS) and Jordan's Principle. In January 2016, the CHRT found that the Government of Canada was discriminating against First Nations children on-reserve and in the Yukon, ordering the immediate reform FNCFS and proper implementation of Jordan's Principle.

In September 2019, the CHRT ordered Canada to pay the maximum allowable compensation for victims of discrimination under FNCFS and Jordan's Principle dating back to 2006/2007. In 2020, the AFN filed a class action lawsuit, compensating individuals dating back to 1991 and setting the path forward for long-term reform. In the fall of 2021, the Government of Canada agreed to enter into negotiations to settle the class action lawsuits. In December 2021, the AFN, the Government of Canada, and other parties reached an Agreement-in-Principle (AIP) on compensation and a second AIP on long-term reform.

With further direction from First Nations leadership and the CHRT, the AFN, Canada, and other Parties returned to the negotiating table and reached a revised FSA, valued at over \$23.3 billion, which was approved by the First Nations-in-Assembly in April 2023 through AFN Resolution #04/2023, *Revised Final Settlement Agreement on Compensation for First Nations Children and Families*. The revised FSA received approval from the Federal Court on October 24, 2023. The Federal Court subsequently approved the first claims process for the Removed Child and Removed Child Family Classes in June 2024, with applications packages expected to become available soon.

AFN's Recent Advocacy

The AFN remains resolute in its dedication to reform FNCFS to end and prevent the recurrence of discrimination for First Nations children and families. Under the direction of the AFN, the Institute of Fiscal Studies and Democracy (IFSD) developed a needs-based, bottom-up, and results-based funding model for FNCFS and is working with First Nations to test the proposed funding model, including those asserting jurisdiction under Bill C-92, *An Act respecting First Nations, Inuit and Métis Children, Youth and Families*. The research on funding was completed in March 2024 and has been instrumental to the AFN's advocacy for greater First Nations care, control, and delivery of FNCFS.

Per Resolution #40/2022, *To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordan's Principle*, the AFN advocates to ensure that reforms are based on evidence, respect First Nations rights, and ensure substantive equality, best interests of children, and appropriate services that reflect the distinct needs and circumstances of First Nations. On July 11, 2024, the AFN and the Parties to the CHRT complaint completed a



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\$47.8 billion Draft Agreement on Long-Term Reform of FNCFS and it was shared publicly for review and consideration by First Nations leadership, technicians, and experts.

Following the release of the Draft Agreement, the AFN began engaging with First Nations across the regions to discuss the Draft Agreement and collect feedback and recommendations for amendments. As a result of the engagement period, the AFN along with the Parties returned to the negotiations table to amend the Draft Agreement. The AFN initially scheduled a Special Chiefs Assembly for September 2024 but due to regional concerns with the short engagement period, the SCA was postponed until October 2024 in Calgary, Alberta. At the SCA in Calgary, First Nations in Assembly voted on the Draft Agreement, which did not receive approval.

The Federal Court approved the first Distribution Protocol for Compensation on June 20, 2024. The FSA stipulates that the Claims Process must launch within six (6) months of the Federal Court's approval. Sunlife Canada is developing a Structured Settlement Option for Claimants to opt for a monthly payment rather than lump sum payout to meet the FSA's requirement for an investment vehicle that Canada will fund. If an agreement is not reached soon, Class Counsel will be required to petition the court for an extension of the Claims Process launch and to seek an order that Canada pay the fees for the Structured Settlement.

The AFN has also been involved in work to develop the Claims Process for the Jordan's Principle Class. The Claims Process will be informed by experts engaged through the Jordan's Principle Pilot Project, which is expected to begin by the end of November 2024. Development of the Claims Process for the Kith Class will follow.

Next Steps

Following the October SCA and the decision made by First Nations in Assembly to decline the Draft Agreement on Long-Term Reform of FNCFS, the AFN is advocating for Canada to seek an expanded mandate in order to advance the directions set out in Resolution #60/2024 and Resolution #61/2024.

The AFN will continue to advocate for First Nations impacted by discrimination in the FNCFS Program at the CHRT and Federal Court. Now that the initial Distribution Protocol has been approved, the Jordan's Principle Claims Process will be developed, followed by the Kith Class.

The AFN remains steadfast in our commitment to ensure that the compensation process is trauma-informed and that claimants are supported by wellness services. The AFN has established an information line to learn about compensation and long-term reform, available at 1-888-718-6496.



Social Branch



Jordan's Principle

History

Jordan's Principle is named in honour of Jordan River Anderson, a First Nations child from Norway House Cree Nation in Manitoba. Born with complex medical needs, Jordan could have received home-based care, but because the governments of Canada and Manitoba could not agree on who would pay for his care, Jordan spent his entire life in hospital. Jordan passed at age five in 2005. Jordan's Principle ensures First Nations children have access to the supports they need to thrive, regardless of where they live, without denial, delay, or disruption. Between July 2016 to February 2024, Jordan's Principle approved over 4.58 million products, services, and supports for First Nations children.

In 2007, the Assembly of First Nations (AFN) and the First Nations Child and Family Caring Society filed a complaint at the Canadian Human Rights Tribunal (CHRT), alleging discrimination against First Nations children and families in the delivery and underfunding of the First Nations Child and Family Services (FNCFS) Program and Jordan's Principle. In January 2016, the CHRT found that the Government of Canada was discriminating against First Nations children on-reserve and in the Yukon, and ordered the government to immediately reform the FNCFS Program and properly implement Jordan's Principle to meet the needs of First Nations children and ensure their best interests are protected.

AFN's Recent Advocacy

The AFN advocates for First Nations children to receive the products, services, and supports they need to thrive, without delay, denial, or disruption, and for First Nations to determine and advance their priorities for implementing Jordan's Principle. In December 2023, the First Nations Child and Family Caring Society filed a motion at the CHRT outlining Canada's continued non-compliance with the orders of the CHRT regarding Jordan's Principle. In particular, they pointed to issues of non-compliance with the CHRT-ordered timeframes for determining requests, delays in issuing payments to individuals and service providers, and mishandling of urgent requests that risk harm to First Nations children. The AFN has intervened in the non-compliance proceedings and will continue to advocate for Jordan's Principle to be properly implemented in accordance with the CHRT's orders.

Pursuant to AFN Resolution 84/2023, *Continuation of Funding at Actuals for Post-Majority Support Services and Support for High Needs Jordan's Principle Recipients*, the AFN advocated for an investment of \$2.469 billion over five years to extend the age of majority for Jordan's Principle to age 26 in Budget 2025. This follows previous budget advocacy ahead of Budget 2024 for Jordan's Principle post-majority supports; however, Budget 2024 did not make the necessary investments to meet the needs of youth aging out of Jordan's Principle eligibility.

In March 2024, the AFN hosted a Jordan's Principle Service Coordinator Gathering in Montreal, Quebec, bringing together over 230 Jordan's Principle Service Coordinators and other community-level employees who support First Nations children to access the services and supports they need. Participants learned about the AFN's advocacy on



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Jordan's Principle, discussed needs such as infrastructure and post-majority supports, and shared practices for service coordination and administration.

Next Steps

The AFN will continue to advocate for First Nations children and families in proceedings at the CHRT related to Jordan's Principle, guided by First Nations-led research, engagement and relevant CHRT orders, as well as in the work towards a long-term approach for Jordan's Principle. The AFN will continue to advocate for investments and policy changes to enable post-majority supports for youth aging out of Jordan's Principle eligibility including through long-term reform negotiations.





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Income Assistance

History

The On-Reserve Income Assistance (IA) Program was created to support First Nations residing on-reserve and in the Yukon who cannot meet their basic needs. The IA Program's rates for First Nations mirror those of the province or territory, which fails to account for the higher cost of living and unique circumstances in First Nations, particularly for rural, remote, and northern communities. Since its inception, the Program has never responded to the needs of First Nations, resulting in the Assembly of First Nations (AFN) advocating for the reform of the IA Program.

AFN Resolution 28/2018, *Support for the Establishment of a Technical Working Group on Social Development*, mandated the creation of a technical committee comprised of regional representatives who provide regional considerations and identify key emerging priority areas related to the Social Development's files, excluding child and family services.

Recognizing the program's shortfalls, Budget 2018 committed \$8.5 million over two years to fund First Nations-led engagements, which took place from 2019 to 2022, to understand how the IA Program can be more responsive to the needs of the clients accessing the Program. The national engagement summary report identified key gaps within the Program that needed to be addressed, including rates that fail to meet client needs, insufficient resourcing to administer the program and wrap around supports, and failure to incorporate First Nations knowledge and governance over the IA Program.

AFN's Recent Advocacy

The AFN and the AFN's Technical Working Group on Social Development (TWGSD) have been involved in a co-development process on the reform of the On-Reserve IA Program with Indigenous Services Canada (ISC) since the department committed to reforming their social programs in 2020. Leveraging the national summary report from the First Nations engagements, the AFN co-developed policy recommendations to reform the IA Program with ISC and TWGSD, ensuring that reform addresses the gaps identified by First Nations.

The First Nations-in-Assembly supported the policy recommendations through AFN Resolution 07/2022, *Reform of the On-Reserve Income Assistance Program*. The recommendations included First Nations governance over the IA Program to meet IA client and family needs, increasing IA rates to account for the actual cost of living on-reserve, strengthening wrap-around supports for IA clients, including a particular focus on those with special and additional needs, increased resources and resourcing to support administration and case managers, First Nations-designed data strategies and collection, and infrastructure investments to enable First Nations to administer their own IA Program. ISC utilized the co-developed policy recommendations to inform their Memorandum to Cabinet in early 2023.



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In May 2023, the AFN was notified that Cabinet supported the First Nations-developed policy recommendations; however, implementation of IA Program reform is contingent on Federal Budget allocations, which were not provided in Budget 2023 or Budget 2024.

In December 2023, First Nations-in-Assembly passed AFN Resolution 85/2023, *Support for the Technical Working Group on Social Development to continue Income Assistance Program Reform*, calling on Canada to provide an official record of decision on the First Nations-developed policy recommendations, fund the TWGSD to conduct and oversee the costing and transition of IA Program reform using the First Nations-developed policy recommendations. Additionally, the resolution calls on the government to continue to provide inflation relief benefits for IA clients, until the IA Program rates are reflective of the true cost of living in northern and remote areas.

Since August 2022, ISC has committed funds to First Nations to support IA clients with an inflation relief benefit. The \$300 per month, per client benefit was periodically renewed until concluding in March 2024. In Fall 2023 and Fall 2024, the AFN submitted a Pre-Budget Submission, identifying the need for \$2.34 billion over five years, over and above the current funding for the IA Program. The funding was to continue the inflation relief benefits for IA Clients, until additional work to inform IA rates that are reflective of the cost of living in northern and remote areas can be completed.

Next Steps

The AFN remains committed to reforming the IA Program through a First Nations-led approach that shifts First Nations from surviving to thriving. In March 2024, the AFN submitted a funding proposal to ISC to cost the long-term financial investments required to fill the gaps in the IA Program. In July 2024, the AFN received approval from ISC of the costing funding proposal and has contracted the Institute of Fiscal Studies and Democracy (IFSD) to conduct a two-year costing exercise of the financial requirements to fulfill the policy recommendations for the IA Program. Additionally, the AFN will continue to submit Pre-Budget Submissions each year as an interim measure until reform is fully costed and implemented.

The AFN will continue to monitor the progression of Bill S-233, *An Act to develop a national framework for a guaranteed livable basic income*. Currently, Bill S-233 does not consider the socioeconomic realities of First Nations, nor does it contemplate how a guaranteed livable basic income would interact with existing social supports, including the IA Program. Further, the AFN will continue to monitor the progress and implementation of Bill C-22, *An Act to reduce poverty and to support the financial security of persons with disabilities by establishing the Canada disability benefit and making a consequential amendment to the Income Tax Act*. The AFN will continue to seek opportunities to advocate for the meaningful inclusion of First Nations priorities and considerations in the legislation and implementation.



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First Nations Health

History

The Assembly of First Nations (AFN) advocates for First Nations' inherent, Treaty, and international rights related to health and well-being. The AFN promotes holistic, culturally-based, and strengths-based approaches to supporting First Nations wellness. Additionally, the AFN supports the long-term vision of First Nations to control their own health systems while ensuring access to sustainable and adequate investments. These ongoing efforts promote better health outcomes and health equity for First Nations, communities, and families.

The Chief's Committee on Health (CCOH) and the National First Nations Health Technicians Network (NFNHTN) are collaborative regional engagements with chiefs and technicians that are critically important in developing and implementing complex mandates from First Nations-in-Assembly. The CCOH and their respective health technicians continue to connect and support the AFN on current and emerging health priorities.

The CCOH and Indigenous Services Canada (ISC) Senior Management Committee (SMC) continue to meet bi-annually. This consistent engagement strengthens the collaborative efforts between ISC and CCOH, ensuring that the voices of First Nations are heard and considered in policy and legislative development.

AFN's Recent Advocacy

The AFN continues to make significant progress in advocating for First Nations' rights to equitable healthcare. The AFN continues to bring Non-Insured Health Benefits (NIHB) Navigators together to highlight community-level issues and concerns at the national level. Joint discussions on Medical Transportation have advanced this past year at the NIHB Joint Review Steering Committee (JRSC). Additionally, the Mental Wellness and Homelessness files collaborated on a national forum addressing the intersections of Mental Wellness and Homelessness—which are critical areas of concern for many communities.

In terms of long-term and continuing care, the AFN's recommendations for a Wholistic Long-Term and Continuing Care Framework were submitted to ISC. This framework is an important document informing the development of a Memorandum to Cabinet (MC) aimed at improving the Assisted Living Program and the First Nations and Inuit Home and Community Care Program. The MC is expected to be submitted later this year, providing a comprehensive vision for enhancing care services.

Since the introduction of the Accessible Canada Act in 2019, the AFN has continued to advocate for resources to engage with First Nations to advance Distinct First Nations Accessibility Legislation. The AFN is conducting a poll to assess the status of disability within First Nations in collaboration with multiple policy sectors, First Nations technical working groups, and leadership tables to inform a Draft Distinct First Nations Accessibility Framework.



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Distinctions-based Indigenous Health legislation is no longer a deliberate priority for the federal government. With the current mandate ending within a year, the legislative focus is on matters already in progress. Their proposed approach is to work with First Nations, Métis, and Inuit separately to identify strategic policy options that better align with calculated outcomes that improve health status, reflect equitable health investments into programming and relationships with federal and territorial health system partners. However, there is no federal funding accompanying this new approach with Indigenous partners.

Next Steps

Moving forward, the AFN will examine the relationship with the NIHB Joint Review Steering Committee and determine how the group can effectively progress in the future. Plans are in place to release a final discussion report on the Seven Generations Continuum of Care. This document will emphasize the Two-Eyed Seeing approach to healthcare, advocating for a wholistic model that integrates both Western and traditional practices for optimal wellness. Moreover, the AFN remains committed to addressing the opioid crisis, which continues to impact our communities.

The AFN plans to host a National Health Forum in Spring 2025. The Forum will highlight, inform, and connect key AFN health initiatives, including mental wellness, long-term care, NIHB, accessibility, and health legislation.





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Education

AFN's Recent Advocacy

K-12 Education

Budget 2024 allocated \$649.4 million over two years to improve elementary and secondary education on-reserve and ensure that funding formulas meet the needs of growing communities. Although Regional Education Agreements (REAs) are essential for advancing Education Transformation, Budget 2024

marked the second consecutive federal budget that did not allocate funds for finalizing new REAs. To date, 10 REAs have been signed, with 14 others in active negotiations, and several complete REAs remain unsigned due to Indigenous Service Canada's (ISC) lack of funding.

The AFN recently completed the *First Nations K-12 Education Transformation Review and Costing Analysis* report. The report identifies the positive impacts and drawbacks of the Interim Funding Formula and REAs, provides costing estimates, and offers recommendations to both ISC and First Nations considering an REA. This research will be crucial for advancing K-12 budget advocacy in the future, and the AFN is working to publish the report by the end of 2024.

In May 2024, the AFN provided a brief to the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities regarding Bill C-322, *An Act to Develop a National Framework to Establish a School Food Program*. This brief, which preceded AFN Resolution 52/2024, *National School Food Program*, contains aligning expectations that First Nations food sovereignty should be respected and that funding should be directly provided to First Nations during the program's rollout. In October 2024, ISC confirmed that \$227 million will flow directly to First Nations through the Elementary and Secondary Education Program authorities as core funding in existing recipient funding agreements. ISC will provide the funding to First Nations starting in fall 2024 to implement new or expanded existing school food programs to support First Nations students during the 2024-25 school year.

Post-Secondary Education

Budget 2024 announced \$242.7 million over three years, starting in 2024-2025, to increase access to post-secondary education for First Nations students through the Post-Secondary Student Supports Program (PSSSP). The PSSSP fundings saw an estimated \$15 million annual increase over the previous targeted funding announced in 2019. This investment still falls short of the \$8.87 billion over five years identified in the AFN's Pre-Budget Submission (PBS) to fully fund the PSSSP.

The AFN worked with the National Indian Education Council (NIEC) and ISC to submit an updated Post-Secondary Education (PSE) Terms and Conditions to unlock the PSSSP investment made under Budget 2024. The revisions to the PSE Terms and Conditions focus on providing better supports to First Nations students through PSSSP, expanding flexibility within PSSSP, and the Post-Secondary Partnerships Program (PSPP), and strengthening



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language on First Nations control of First Nations education. ISC included the NIEC-recommended version of the Terms and Conditions in its treasury board submission; however, the NIEC's proposed amendments were not all implemented. Ongoing discussions between the NIEC and ISC regarding the National Program Guidelines for PSE face challenges due to a lack of transparency and co-development.

Education Infrastructure

Budget 2024 allocated \$545.1 million over three years for K-12 infrastructure to build and renovate safe and healthy learning environments for First Nations students. This falls far short of the education infrastructure funding identified in the AFN's PBS, which estimates the actual five-year capital funding requirement to be \$5.25 billion.

Despite the growing funding gap, the AFN, the Chiefs Committee on Education (CCOE), and NIEC have continued to improve and reform various education infrastructure policy priorities, including the School Priority Ranking Framework (SPRF) and working toward comprehensive capital reform for First Nations education infrastructure, with the goal of securing sufficient, predictable, and sustainable core funding to replace the existing proposal model. The SPRF is used to evaluate First Nations education infrastructure projects and has been a co-development priority for several years for the CCOE. The most recent amendments removed offensive and paternalistic weighting criteria in favour of a weighting system based on health, safety, and overcrowding factors. Future co-development and policy changes will be required to promote for First Nations regional control and decision making for education assets.

Next Steps

K-12

The AFN will publish the *First Nations K-12 Education Transformation Review and Costing Analysis* by the end of 2024 and implement a communications plan to support the findings. The AFN will also continue to work on co-developing the National School Food program.

Post-Secondary Education

The AFN is undertaking research to evaluate and analyze 25 post secondary institutions' commitments to upholding the Truth and Reconciliation Commission's 94 Calls to Action and the *United Nations Declaration on the Rights of Indigenous Peoples*, and their supports and services delivered to First Nations students and First Nations institutions. Research is also underway to compare and analyze various financial aspects and realities of First Nations institutions as opposed to non-Indigenous institutions. The findings from both research projects will contribute to the AFN's ongoing PSE budget advocacy and policy reform.

Education Infrastructure

The AFN continues to seek recommendations from the NIEC and CCOE on the ongoing issue of comprehensive capital reform in First Nations education infrastructure. The AFN is also beginning to renew national operations and maintenance research in First Nations schools to review and identify the current maintenance gaps in over 400 First Nations schools across Canada.



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Languages

History

Federal funding for First Nations languages faced a funding cliff in 2024, dropping from \$118 million in 2023/24 to \$85 million in 2024/25. Of the \$85 million, \$52 million is derived from ongoing funding provided through Budget 2019 and \$33 million from Budget 2024. This steep drop comes on the fifth anniversary of the Indigenous Languages Act (ILA), which was drafted to support language revitalization. According to the *AFN Revitalizing First Nations Languages: A Costing Analysis 2022*, adequate support for First Nations language revitalization will cost at least \$2 billion a year. DCH has fallen short of their fiduciary responsibility and continues to fund First Nations languages at less than 5% of the real costs.

To disburse these limited funds among different regions, a regional allocation formula (RAF) has been used. The status-quo formula applied to Budget 2019 funding, which includes a base amount and share of the remainder based on number of languages, was unilaterally imposed upon First Nations by the Department of Canadian Heritage (DCH). To advocate for jurisdiction over languages, the Chiefs and Technical Committee on Language (CCOL, TCOL) have worked to develop a First Nations allocation formula, mandated through Resolution 19/2024, *First Nations Languages Regional Allocation Formula*.

AFN's Recent Advocacy

At the 2024 AFN Annual General Assembly, the CCOL and TCOL convened to finalize a new RAF to be applied to Budget 2024 funding. This RAF was formalized through the passing of AFN Resolution 19/2024, *First Nations Languages Regional Allocation Formula*, which also included various mandates to develop research and complaints to address the current funding levels. The two-year interim RAF was developed based on five factors of population, number of languages, language vitality, remoteness, and number of First Nations (plus Census Metropolitan Areas) alongside base amounts to address unique needs for different regions. During the two years that this formula applies, the AFN Languages and Learning Sector will work with Dr. Heather Bliss on the *AFN Language Endangerment Risk Data Source Assessment and Collection* to evaluate the appropriateness of the data sources for the various factors. If data sources do not exist or where the researcher does not find the previously identified data sources to be sufficient, the researcher will find or create another data sources and may include collecting data to better inform the measurements of the RAF factors. The resolution also mandates that the TCOL and CCOL undergo a strategic planning session. The TCOL started the strategic planning in Toronto, Ontario, on November 6 and 7, 2024. This strategic planning session aimed to focus on co-development priorities, long term objectives and hear from Dr. Heather Bliss on the start of the *AFN Language Endangerment Risk Data Source Assessment and Collection*.



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Next Steps

Moving forward, the Languages and Learning Sector will continue to oversee research and facilitate engagement with the CCOL and TCOL. As research continues to develop, the Sector will support the process of creating an agreed-upon RAF to be applied for any existing or new languages funding, as directed by First Nations-in-Assembly.

As mandated by AFN Resolution 19/2024, *First Nations Languages Regional Allocation Formula*, the Sector has begun the process of filing a complaint with the Office of the Commissioner of Indigenous Languages (OCIL) regarding DCH's chronic underfunding and misalignment with the principles and objectives of the ILA. DCH has not provided long-term, sustainable funding that reflects the actual costs to reclaim, revitalize, maintain, protect, and strengthen First Nations languages and ongoing advocacy will be required to ensure the continuation of Section 8/9 Agreements and larger commitments to revitalization.

The Languages and Learning Sector continues to prepare for the parliamentary review of the ILA. The scope and timeline of the parliamentary review has not yet been announced, though it must be complete by December 31, 2025. The AFN has reached out to the Standing Senate Committee on Indigenous Peoples to express interest in appearing before the committee as a witness and has been drafting materials to prepare for the appearance.





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Strategic Policy Intergration



Parliamentary Advocacy

History

The Assembly of First Nations (AFN) monitored parliamentary activities and acted on opportunities to advocate for the advancement of First Nations' rights. This consisted of supporting leadership advocacy through written briefs and testimony to parliamentary committees. The AFN participated in ten parliamentary studies altogether either by written brief or testimony and saw four bills through Royal Assent. A Parliamentary Wrap-Up for September 2023 to June 2024 is available to view on the AFN website: <https://afn.ca/wp-content/uploads/2024/11/Parliamentary-Wrap-Up.pdf>.

AFN's recent advocacy

Parliament reconvened sitting on September 16, 2024, picking back up on studies that were halted for the summer. The AFN had identified bills and studies for advocacy in the fall. Since reconvening, the AFN has participated in four Committee studies:

Indigenous Procurement

Testimony was given to the Standing Committee on Government Operations and Estimates (OGGO) advocating for increased transparency, accountability, and support in the government's procurement processes, particularly those impacting First Nations businesses. The AFN also discussed the ongoing work for the establishment a First Nations-led Procurement Organization which aims to help First Nations peoples and businesses overcome systemic barriers in accessing procurement opportunities.

Implementation of the United Nations Declaration on the Rights of Indigenous Peoples Act, 2021.

Testimony was provided on two occasions (April 14, 2024, and October 2, 2024) to the Standing Senate Committee on Indigenous Peoples (APPA). The most recent testimony came from a representative from the AFN Nation Youth Council encouraged that a high priority be placed on the development of comprehensive whole-of-government approaches to ensure the successful implementation of UNDA. Attention was drawn to Action Plan Measure #104, which the AFN Youth Council called for funding for them to lend their talent and expertise to the development and implementation of this APM. Also highlighted was APMs #86 and 87, which are essential for our future, as they touch on food sovereignty and access to traditional foods and local food systems.



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Bill C-61, An Act respecting water, source water, drinking water, wastewater and related infrastructure on First Nation lands.

Testimony and written brief were submitted to the Standing Committee on Indigenous and Northern Affairs (INAN). In a testimony provided on October 10, 2024, the AFN clarified its position on defending against amendments that would diminish or otherwise weaken the proposed legislation. This included advancing amendments to improve the bill on: protection zones; standards (such as the requirement that quantity of water must meet all needs including agriculture, fire protection, industrial, commercial, etc); the funding framework; the First Nations Water Commission; liability, immunity, and indemnification; and references to "Best Efforts". Details of these amendments are contained in the AFN's written submission.

Bill C-20, An Act establishing the Public Complaints and Review Commission and amending certain Acts and statutory instruments.

The AFN advocated for this bill stating that it was of the utmost importance that the Commission include guaranteed First Nations representation, given the significant overrepresentation and systemic discrimination that First Nations have experienced from these institutions. The AFN supports a minimum of one (1) First Nations representative who would also serve as the lead for any complaints filed involving a First Nations complainant. Bill C-20 cannot be a shell of accountability that has no authority to make structural and systematic changes to address racism and discrimination. This testimony was provided to the Standing Senate Committee on National Security, Defence and Veterans Affairs (SECD) on October 7, 2024.

An Act establishing the Public Complaints and Review Commission and amending certain Acts and statutory instruments received Royal Assent on October 31, 2024.

Next Steps

With a federal election looming, the AFN anticipates that potential changes in government leadership may impact the prioritization of legislation, particularly for First Nations issues. The AFN will review key legislation and develop a targeted advocacy strategy to advance First Nations' rights.

