SOVEREIGNTY, SELF-DETERMINATION & LAND BACK:
A PATH FORWARD FOR IMPLEMENTING OUR TREATY & INHERENT RIGHTS

A Discussion Paper

Prepared for the Office of the National Chief

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EXECUTIVE SUMMARY

AFN Mandate and Role

On June 21, 2021, the federal Bill C-15, the *United Nations Declaration Act* (*UNDA*) became law. However, current issues in Canadian Aboriginal/Indigenous law remain unchanged. In other words, Bill C-15 the *UNDA* maintains the colonial status quo. **Section 2(2) of Bill C-15** the *UNDA* on the "*Rights of Indigenous Peoples*" is based on the Section 35 common law, which relies heavily on the colonial doctrine of discovery, otherwise referred to by the federal government as "*assumed Crown sovereignty.*"

The federal government's position of "*assumed Crown sovereignty*" over First Nations is set out in its so-called "*Inherent Right*" to Self-Government (IRSG) Policy, which since 1995, is the overarching, umbrella policy for all discussions, negotiations and legislation with First Nations, Metis and Inuit.

Despite Prime Minister Justin Trudeau's 2018 commitment to replace the 1995 policy on the *Inherent Right to Self-Government* (IRSG) with "*new and better approaches.*" the IRSG Policy remains in place.

Although First Nations may come to the table with their own objectives and principles, the federal representatives come to the table with the IRSG policy. In individual negotiations, it's very difficult to get the federal government to diverge from this policy.

The federal IRSG Policy is the basis for all discussions and negotiations with First Nations, Metis, and Inuit.

Through Resolution #5/95 the Chiefs-in-Assembly rejected Canada's Inherent Right policy and called for a First Nations position to be developed and adopted. Further to Resolution #5/95, in Resolution #25/2019, Chiefs-in-Assembly rejected the Inherent Right and Comprehensive Land Claims policies and directed AFN to develop a First Nations led alternative process.

The Authentic Nation-to-Nation Relationship

We need to strengthen the historic First Nations-Canada Bilateral Relationship, which is the authentic Nation-to-Nation relationship that began when First Nations made contact with Europeans and is based on the **Doctrine of Consent** through trade and military

alliances that eventually became Peace and Friendship Treaties with Great Britain, confirmed with Wampum Belts.

These early Treaties between First Nations and Great Britain led to the 1763 Royal Proclamation, which recognized the pre-existing rights—including land rights—of First Nations, and the **Doctrine of Consent** as a basis for a Treaty-Making process with the Crown.

These principles of the 1763 Royal Proclamation were confirmed in the 1764 Treaty of Niagara between the Crown representatives and the Haudenosaunee and Anishinabek Confederacies and were the basis of an alliance with Great Britain in the War of 1812 against the Americans and in subsequent Treaties.

AFN-Canada Bilateral Relations

In 2015, based in part on an Indigenous Platform, a federal Liberal majority government was elected that promised a new relationship with Indigenous Peoples (First Nations, Metis, Inuit) based on a reconciliation process and a nation-to-nation relationship.

Taking the new federal government at its word, as a national advocacy organization, the AFN signed two political agreements with the government of Canada: one in 2016 on developing a **new fiscal relationship** and one in 2017, establishing a **Permanent Bilateral Mechanism** to co-develop policy and law to address national and regional priories of First Nations.

After seven years of experience with the current federal Liberal government, a new **Healing Path Forward Accord** is now proposed by AFN, because the *2017 AFN-Canada Memorandum of Understanding*, which established a **Permanent Bilateral Mechanism** (**PBM**), was focused on legislation, and not the Sovereignty and Jurisdiction of First Nations.

The **Permanent Bilateral Mechanism** (PBM) has met its legislative objectives, as the AFN Chiefs-in-Assembly supported several pieces of federal legislation:

1. Bill C-91, the *Indigenous Languages Act.*
2. Bill C-92, the *Indigenous Child & Family Services Act.*
3. Bill C-15, the *United Nations Declaration Act.*

Two proposed pieces of legislation are ongoing for health and policing.

The *2017 AFN-Canada Memorandum of Understanding* is now outdated and part of the federal pan-Indigenous approach to Reconciliation. As a result, the process is ineffective as reported by Regional Chiefs and First Nation Leaders from the various regions. There are challenges and setbacks when working to advance identified First Nation national and regional priorities through this process.

This discussion paper is about the component of the proposed **Healing Path Forward Accord** regarding the *Implementation, Recognition of, and Respect for, our Inherent and Treaty rights*. Further, we've highlighted deficiencies with Bill C-15, the *United Nations Declaration Act*, federal policy, and law as they affect First Nations Inherent and Treaty rights.

We are conducting engagements with regions to develop consensus on strong positions on Inherent and Treaty Rights to advance in the **Permanent Bilateral Mechanism** process and with provincial and territorial governments.

We are also recommending that First Nations need to develop a clear path for implementing Treaty and Inherent rights on-the-ground and seek to obtain commitment from the federal, provincial, and territorial governments, for substantive policy and legislative reform, regarding Implementing, Recognizing and Respecting all First Nations Inherent and Treaty rights, by restoring lands, territories and resources taken without First Nations free, prior, informed, consent, or to provide restitution for those lands, territories, and resources.

Canada's Domestication of UNDRIP

In 2016, at the start of the Trudeau government's first mandate, various Cabinet Ministers made public statements that the federal government's intent was to develop "*a Canadian definition of the Declaration*" that domesticates First Nations Inherent and Treaty rights by acceptance of Canada's "*assumed Crown sovereignty*."

This is why the federal government refused to amend **section 2(2) of Bill C-15**, which provides for the definition of the Rights of Indigenous Peoples:

> ***Rights of Indigenous peoples***
> *(2) This Act is to be construed as upholding the rights of Indigenous peoples recognized and affirmed by section 35 of the Constitution Act, 1982, and not as abrogating or derogating from them.*

Section 2(2) of Bill C-15 is based on the **section 35** common law, which is heavily based on the colonial **doctrine of discovery** and could be interpreted by the federal government and the courts to limit the implementation of the international standards of UNDRIP.

To address First Nation concerns regarding Bill C-15's definition of Indigenous rights, the Assembly of First Nations proposed several amendments to **section 2 of Bill C-15**, regarding the definition of Indigenous Rights, which were rejected by the House of Commons *Standing Committee on Indigenous and Northern Affairs*.

The AFN proposed amendments were as follows:

> ***Rights of Indigenous peoples***
> *(2) This Act is to be construed as upholding the rights of Indigenous peoples recognized and affirmed by section 35 of the Constitution Act, 1982, and not as* ***diminishing*** *or abrogating or derogating from them.* [emphasis added]
>
> ***2(4) For greater certainty, the rights of Indigenous peoples, including treaty rights, must be interpreted flexibly so as to permit their evolution over time and any approach constituting frozen rights must be rejected***. [emphasis added]
>
> ***2(5) For greater certainty, nothing in this Act is to be construed so as to diminish or extinguish the rights of Indigenous peoples, including treaty rights***. [emphasis added]

These proposed amendments were deemed necessary to avoid future interpretations of Indigenous rights based on outdated, colonial and racist assumptions and prejudices, with the view that First Nation's customs, traditions, and rights are frozen in stereotypes based on prejudices drawn from non-Indigenous peoples' beliefs regarding the past lives or circumstances of First Nations Peoples. Also, to limit future interpretations or application of Bill C-15 that might have the effect of diminishing or extinguishing the rights of First Nations, including Treaty rights.

It is essential to create space for alternative views of Bill C-15. We recommend that First Nations develop strong positions on Inherent and Treaty rights and a coordinated First Nations strategy, before the federal government releases its Bill C-15, *UNDA* Action-Plan. So that the federal Bill C-15, *UNDA* Action-Plan—once made public—can be measured against First Nations positions on Inherent and Treaty rights.

Buiding a Contemporary Context for Our Founding Documents

In 1980, a **Declaration of First Nations** was adopted along with a 1981 **Statement of Treaty and Aboriginal Rights Principles** by the National Indian Brotherhood to give birth to our national organization—the Assembly of First Nations, formed in 1982.

The **Declaration** and **Treaty and Aboriginal Rights Principles** are the founding documents of the AFN and can be built upon for developing a contemporary context for strong First Nation positions on Inherent and Treaty rights, regardless of the content of the federal Bill C-15, *UNDA* action-plan.

For the last number of years, the Government of Canada has taken several unilateral actions outside of the **Permanent Bilateral Mechanism MOU** co-development process, which negatively affect the Inherent and Treaty rights of First Nations and weaken and undermine the historic First Nations-Canada Bilateral Relationship.

Aligning Landback with UNDRIP Standards

Moreover, there are numerous examples across Canada where the federal government is ignoring its fiduciary responsibilities by allowing provincial and territorial governments to infringe First Nations Inherent and Treaty rights. This is ongoing colonialism and racism through the policy and legislative actions of provincial and territorial governments.

We are recommending that the Assembly of First Nations and the government of Canada advance truth and reconciliation by implementing, recognizing, and respecting our Inherent and Treaty rights, including landback—any process involving First Nations lands, territories or resources now needs to be aligned with the UNDRIP Articles 26, 27, 28 regarding restoration of lands, territories and resources or restitution of lands or monetary compensation.

Also provided for in UNDRIP Article 28, is that any proposed process regarding Indigenous lands, territories and resources, must be aligned with the international standard of free, prior, informed, consent (FPIC) of Indigenous Peoples and must be a basis for restoration of, or restitution for, Indigenous lands, territories and resources "**which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent**." [emphasis added]

This clearly involves Canada's "*land claims*" policies, which as AFN noted in 1990, have been divided "*into two separate, narrowly defined policies for "specific" and "comprehensive" claims [which] is an artificially imposed distinction [and] excludes many legitimate grievances.*"[1]

We recommend reviving constitutional discussions that will lead to actionable constitutional amendments that will secure First Nations right to self-determination and constitutional space for implementation of First Nations Jurisdiction.

We Propose A Six-Point Strategy

Federal, provincial and territorial governments continue to define our Inherent and Treaty Rights without First Nations at the table. It is critical that First Nations assert themselves and develop a clear path to get the federal, provincial and territorial governments to accommodate Inherent and Treaty Rights, as we understand them, in a jointly developed policy and legislative framework.

Objectives of the Six-Point Strategy

There are **three key objectives** to the six-point strategy:

1. To get the federal, provincial, and territorial governments to recognize and respect First Nations Aboriginal title, Inherent rights, all Treaties, and the right of self-determination, **in accordance with international law.**

2. The creation of a new policy and legislative framework with the federal, provincial, and territorial governments for discussion at **a First Ministers' Meeting**, which recognizes and affirms First Nations Aboriginal title, Inherent rights, all Treaties, and the international right of self-determination.

3. To support First Nation Peoples in the exercise of the rights flowing from their Aboriginal title, Inherent rights, and all Treaty rights to obtain benefits from **restoration** of, or **restitution** for, their **lands, territories, and resources** that First Nations have traditionally owned, occupied or otherwise used or acquired, which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

[1] AFN Paper "*Doublespeak of the 1990's: A Comparison of Federal Government and First Nation Perception of Land Claims Process*", August 1990.

Elements of the Six-Point Strategy

The six elements are as follows:

1. **Public Education**
   To raise awareness about Inherent and Treaty rights amongst the public, media and First Nations.

2. **Political/Negotiation/Pre-Litigation Strategy**
   Replacing harmful policies and process that diminish or negatively Inherent and Treaty Rights, as well as scoping out potential legal strategies.

3. **Litigation**
   Develop short term and long term legal strategies to ensure Inherent and Treaty Rights are fairly and justly interpreted based up the nation-to-nation relationships.

4. **Policy & Legislative Framework Development**
   To replace the existing colonial, domestic policy and legislative framework with one that recognizes and respects First Nation Inherent and Treaty Rights based upon the international right to self-determination.

5. **Direct Action/Assertion of Rights**
   Support rights holders in the exercise of their Inherent and Treaty Rights in their territories.

6. **International Campaign**
   Networking with and securing international support from other Indigenous peoples and human rights bodies from around the globe for the implementation of our Inherent and Treaty Rights.

Conclusion

This **discussion paper** and **strategy** has been prepared to ensure all First Nations Inherent and Treaty rights are implemented, recognized, and respected by Crown governments, industry and third parties, whether there is a Treaty, Self-Government Agreement, or other arrangements in place, or not.

We are recommending that the Chiefs-in-Assembly at the AFN April 2023, Special Chiefs' Assembly, support the establishment of a **Committee of the Chiefs**, with technical support, to be tasked with overseeing the detailing of the **six-point political strategy** for the protection and defense of the Inherent and Treaty Rights, Sovereignty

and Jurisdiction of First Nations, in consultation and coordination with the AFN Executive Committee and to ensure the Chiefs' Committee provides an update to the First Nations-in-Assembly at the July 2023 Annual General Assembly on the progress of the work.

Of course, at the end of the day, negotiations with the Crown are the prerogative of the First Nations, whether individually or collectively. But right now, the federal government has the leverage and are imposing their policy frameworks on First Nations. This strategy is intended to provide guidance to the AFN to create a more level policy and legislative playing field in which those individual or collective negotiations can take place.

INTRODUCTION

AFN Mandate and Role

On June 21, 2021, the federal Bill C-15, the *United Nations Declaration Act* (*UNDA*) became law. However, current issues in Canadian Aboriginal/Indigenous law remain unchanged. In other words, Bill C-15 the *UNDA* maintains the colonial status quo. **Section 2(2) of Bill C-15** the *UNDA* on the "*Rights of Indigenous Peoples*" is based on the Section 35 common law, which relies heavily on the colonial doctrine of discovery, otherwise referred to by the federal government as "*assumed Crown sovereignty.*"

The federal government's position of "*assumed Crown sovereignty*" over First Nations is set out in its so-called "*Inherent Right*" to Self-Government (IRSG) Policy, which since 1995, is the overarching, umbrella policy for all discussions, negotiations and legislation with First Nations, Metis and Inuit.

Despite Prime Minister Justin Trudeau's 2018 commitment to replace the 1995 policy on the *Inherent Right to Self-Government* (IRSG) with "*new and better approaches*" the IRSG Policy remains in place. The policy:

- Rejects First Nations sovereignty.
- Subordinates Inherent Rights to the Charter.
- Denies Inherent jurisdiction.
- Requires individual negotiations over national and international principles, original Treaties or UNDRIP minimum standards.

As noted, although First Nations may come to the table with their own objectives and principles, the federal representatives come to the table with the IRSG policy. In individual negotiations, it's very difficult to get the federal government to diverge from this policy.

The federal IRSG Policy is the basis for all discussions and negotiations with First Nations, Metis, Inuit, including these processes:

- Recognition of Rights & Self-Determination Tables.
- Modern Treaty (Comprehensive Land Claim) Tables.
- Self-Government (Sectoral or Comprehensive) Tables.

- Alternative Federal Legislation to the *Indian Act* Imposing National Standards on Inherent and Treaty rights (affecting First Nations lands, taxation, resources, languages, child welfare and governance regimes).

Through Resolution #5/95 - *Proposed Federal Policy Framework on the Inherent Right of Self-Government*, Chiefs-in-Assembly rejected Canada's Inherent Right policy and called for a First Nations position to be developed and adopted.

Further to Resolution #5/95, Resolution #25/2019 - *Support for a First Nations Led Engagement Process on Nation Building*, Chiefs-in-Assembly directed AFN to:

- Re-affirm rejection of Canada' s Comprehensive Land Claims Policy (CLCP) and the Inherent Right to Self-Government Policy (IRSG) and all associated policies and processes.
- Re-affirm previous AFN Resolutions calling for a First Nations-led process:
  1) To Reject federally imposed processes and approaches to the recognition of Indigenous Rights, Title and Jurisdiction; and
  2) To Recognize, elevate, and support Indigenous self-determination and decision-making processes.
- Reiterate our expectation that any policy or framework which may affect the Title, or Rights of any First Nation, irrespective of whether that First Nation is currently engaged in negotiations with the Crown, requires the free, prior, and informed consent of all First Nations potentially impacted by such a policy or framework,
- Direct the AFN to advocate for adequate federal funding to support meaningful First Nations engagement at the local, regional, and national levels on nation building.

After 23 years, the application of the IRSG Policy has led to 25 self-government agreements (including in Modern Treaties) across Canada involving 43 Indigenous (First Nations, Metis, Inuit) communities. There are also 2 sectoral or incremental education agreements involving 35 Indigenous communities.[2]

The Assembly of First Nations represents First Nations, including those who have signed self-government agreements, including Modern Treaties, which now define their relationship with the Crown governments (federal-provincial-territorial).

[2] https://www.rcaanc-cirnac.gc.ca/eng/1100100032275/1529354547314#chp3

The Assembly of First Nation also represents First Nations who do not accept the unilateral policies (negotiation positions) of the federal government regarding First Nations' Inherent and original (pre-1975) Treaty rights and the unresolved issues arising from application of the colonial *Indian Act* for over 147 years, which has caused conditions of poverty, dependency and forced underdevelopment through the ongoing federal colonial control and management of First Nation Peoples and lands.[3]

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[3] Assembly of First Nations Paper "*The Indian Act: Protection, Control or Assimilation? A Review of Crown Policy & Legislation 1670-1996*", September 16, 1996.

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Bill C-15 UNDA - Action-Plan & Measures to Ensure Consistency of Federal Laws with UNDRIP:

In June 2023, the federal government is legislatively required by **section 6 of Bill C-15**, the *United Nations Declaration Act* (*UNDA*) to issue an **action plan and develop measures** to ensure existing federal laws are consistent with the UN Declaration (section 5) to implement the "*objectives*" of the 46 articles of the *United Nation Declaration on the Rights of Indigenous Peoples* (First Nations, Metis, Inuit).

The purpose of the *UNDA* is to:

> *(a)* ***affirm the Declaration*** *as a universal international human rights instrument with application in Canadian law; and*
>
> *(b)* ***provide a framework*** *for the Government of Canada's implementation of the Declaration*. [emphasis added]

Section 5 of Bill C-15 directs the government of Canada to "*take all measures necessary to ensure that the laws of Canada are consistent with the Declaration.*" There is no immediate implementation of the Declaration, this section establishes an ongoing process of working with Indigenous peoples for legal review and reform.

However, there is no list of measures or laws that are inconsistent with *UNDRIP* and even if there were a list of laws to review it would be up to the House of Commons and the Senate to pass any amendments to the laws, not just the executive branch. Such a legislative amendment process will be subject to changes in the federal government because of elections and changing priorities of a new Parliament.

There are already nearly 50 First Nations related federal laws that were passed between 2005-2020, prior to the adoption of Bill C-15 into federal law.[4]

Sue Collis, a PhD candidate at Queens University, describes the overall effect of this "*optional*" federal "*recognition*" legislation as a "*coordinated legislative suite*" of 47 laws passed over 15 years:

[4] Sue Collis (2021): W(h)ither the Indian Act? How Statutory Law Is Rewriting Canada's Settler Colonial Formation, Annals of the American Association of Geographers, DOI: 10.1080/24694452.2021.1919500

> *The state's method is no longer to repeal, or even substantially amend, the **Indian Act** but, instead, to move communities, one by one and section by section, into alternate legal structures until no one is left for the Act to govern. This is a hollowing out from the inside. Designed to be administered by First Nations or Indigenous led statutory institutions, which are legislated into existence and funded by the Canadian government, opt-in legislation fills the regulatory deficits of the **Indian Act** regime with law that is interchangeable with normative Canadian standards in such areas as lands, taxation, and capital enterprise. Contemporary federal and provincial legal norms are thus extended into Indigenous jurisdictions*[5]

Dr. Jeremy Schmidt refers to what Sue Collis calls a "*coordinated legislative suite*" as "*a new kind of federal municipality in Canada,*" which he describes as follows:

> *Since 2006, successive Canadian governments have worked to create private property regimes on lands reserved for First Nations…under the pretense of restoration, bureaucrats developed legislation that would create novel political spaces where, once converted to private property, reserved lands would function. These changes took place in two ways: First, bureaucrats situated Aboriginal property within the state apparatus and reconfigured Indigenous territorial rights into a series of "regulatory gaps" regarding voting thresholds, certainty of title, and the historical misrepresentation of First Nations economies. Second, the government crafted legislation under what is known as the **First Nations Property Ownership Initiative** that, by closing regulatory gaps, would produce private property regimes analogous to municipal arrangements elsewhere in Canada. These bureaucratic practices realigned internal state mechanisms to produce novel external boundaries among the [Canadian] state, Indigenous lands, and the economy.*[6] [emphasis added]

The **First Nations Property Ownership Initiative** is draft federal legislation to privatize Indian Reserve lands into a form of fee simple and was initially developed under the Conservative federal government of Prime Minister Stephen Harper, but as Dr. Jeremy Schmidt has documented:

> *under Liberal rule, the private property proposal did not end. Instead…bureaucrats realigned the program to fit the priorities and rhetoric of the incoming government and to*

[5] ibid, page 11
[6] Dr. Jeremy Schmidt (2018): Bureaucratic Territory: First Nations, Private Property, and "Turn-Key" Colonialism in Canada, Dept. of Geography, Durham University, page 1.

> *strategically introduce new ministers to what is known as the First Nations Property Ownership Initiative (FNPO).*[7]

The federal Liberal government of Prime Minister Justin Trudeau has renamed the **First Nations Property Ownership Initiative** as the **Indigenous Land Title Initiative**, which is the same draft federal legislation to privatize Indian Reserve lands into a form of fee simple, just under a different name.

In its Corporate Plan, under Objectives, Strategies, and Performance Measures for 2019/2020 the *First Nations Tax Commission* listed the **Indigenous Land Title Initiative** as a proposed legislative framework with institutional support:

> ***Indigenous Land Title Registry System -*** *The First Nations Tax Commission will continue to advance an Indigenous land title registry system, separate from the Financial Management Act, so that interested First Nations and other interested Indigenous governments can secure title to their lands and move at the speed of business*[8]

Like the **First Nations Land Management Act**, the **Indigenous Land Title Initiative** is part of the federal government's IRSG Policy to domesticate Treaties and Inherent Rights by municipalizing First Nations and First Nation Lands. There is already a federal *Self-Governing First Nations Land Registry*[9] maintained for "*Self-Governing First Nations*" who have Self-Government Agreements.

> *The Self-Governing First Nations Land Register (SGFNLR) is established in accordance with the terms of First Nations self-government agreements and record documents that grant an interest in self-governed First Nation lands.*

Since the 1995 IRSG Policy was adopted, the federal government has continued federal interference by legislating in areas that even Canada admits are internal to First Nations and integral to their culture, ie., elections, lands, definition of "*Indigenous Governing Bodies,*" Indigenous child & family services, Indigenous languages.

The IRSG Policy and related federal legislation is a continued assault on First Nations Sovereignty and Jurisdiction. The federal government uses legislative interference to control and manage the internal affairs of First Nations to limit the nature and scope of

[7] ibid page 2.
[8] First Nations Tax Commission, Corporate Plan 2019-2020, page 20.
[9] Land Registration: https://isc.gc.ca/eng/1100100034803/1611929056890

Treaty and Inherent rights: First Nations consent when they opt-into legislation, whether they know it or not.

The IRSG Policy and related federal legislation is not in accordance with the UNDRIP standard of Free, Prior, Informed, Consent (FPIC).

The **UNDRIP**, contains several provisions that include the FPIC international standard, **Articles 10, 11, 19, 29, 30, 32**.

This federal notion of reducing the UNDRIP international standard of FPIC from consent to consultation is expressed in the federal governments **2017 Principles Respecting the Government of Canada's Relationship with Indigenous Peoples**, particularly **Principle #6**, which provides as follows:

> *6. The Government of Canada recognizes that meaningful engagement with Indigenous peoples **aims to secure** their free, prior, and informed consent when Canada proposes to take actions which impact them and their rights, including their lands, territories and resources.* [emphasis added]

Principle #6 is clearly a manipulation of UNDRIP's international standard on FPIC:

> *Article 32. "States **shall consult and cooperate in good faith** with the indigenous peoples concerned…**in order to obtain their free, prior and informed consent** prior to the approval of any project affecting their land or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources* [emphasis added]

UNDRIP Article 32 doesn't say "*aim to secure*" FPIC, Article 32 says "*States **shall** consult and cooperate in good faith…in order to obtain their free, prior and informed consent.*"

Section 6 of Bill C-15 gives the government of Canada the dominant role in developing an "*action-plan*" to implement *UNDRIP* in the future, in relation to federal laws, since under Canada's constitutional division of federal and provincial powers, the provincial governments have a veto in subject areas that may affect their jurisdiction.

It is important to note that the *United Nations Declaration Act*, Bill C-15, only applies to federal laws while many challenges facing First Nations come from provincial government jurisdiction.

Section 7 of Bill C-15 regarding Annual Reporting to Parliament on measures taken and the action-plan. It is the government of Canada that controls the pen in preparing the Annual Report to Parliament.

The fact is, the Bill C-15 *UNDA* Action-Plan, will be limited to the federal framework and process to continue colonization of First Nations through the domestication of Treaties and Inherent rights and municipalization of First Nations and First Nation Lands.

The development of the Bill C-15 *UNDA* and its pending Action-Plan is another example of the federal government coopting our terminology like it did with its "*Inherent Right*" Policy or its "*Nation-to-Nation*" relationship under its Reconciliation agenda—for use in its federal communications strategy to the media, public and First Nations.

The adoption of Bill C-15 into law and the development of a federal Action-Plan is another federal effort to control the dialogue and to be seen as the primary source of information, while advancing the ongoing federal policy goals and objectives of domesticating First Nation Treaties and Inherent Rights by municipalizing First Nations and First Nation Lands.

Two-Track Approach to Indigenous Reconciliation

In 2015, the key Liberal Promises were to:

- Engage in a new "*Nation-to-Nation*" Process.
- Develop in full partnership with First Nations a National Reconciliation Framework.
- Enact all 94 TRC Calls to Action and adopt UNDRIP.
- Lift 2% Cap on First Nations Funding.
- Do a full review of federal law & policy in full partnership with First Nations.
- Establish an Indigenous Missing Women's & Girls Inquiry.

To implement these 2015 promises, the federal government announced in December 2015, it would be taking a Two-Track approach to Indigenous Reconciliation:

> *1) closing the socio-economic gap between Indigenous Peoples and non-Indigenous Canadians, and*
>
> *2) making foundational changes to laws, policies and operational practices based on the federal recognition of rights to advance self-determination and self-government.*

Over the last 7 years, regarding First Nations Inherent and Treaty rights, the overarching objective of the federal government remains the transition of First Nations into federally defined self-government based on the IRSG Policy. To accomplish this long-term objective, the Two-Track approach to Indigenous Reconciliation has led to:

- 10 Principles for Indigenous Relationships.
- 2 new Indigenous Ministers and Indigenous Departments (Indigenous Services Canada & Crown-Indigenous Relations and Northern Affairs).
- 2 Separate Fiscal Policies (10-Year Grants for *Indian Act* Bands & a Self-Government Fiscal Policy for Self-Governing First Nations).
- Establishment of local and regional "*Recognition and Self-Determination Tables*" with First Nations, Metis, Inuit with no transparent or accountable Cabinet mandate for these discussions.
- Included a narrow general exemption clause in the new NAFTA, now called the **Canada-United States-Mexico Agreement** (**CUSMA**) Article 32.5 regarding Indigenous Peoples Rights, "*Provided that such measures are not used as a means of arbitrary or unjustified discrimination against persons of the other Parties or as a disguised restriction on trade in goods, services, and investment,* ***this Agreement does not preclude a Party from adopting or maintaining a measure it deems necessary to fulfill its legal obligations to indigenous peoples****.* [emphasis added] [A footnote to Article 32.5 provides a narrow definition of "*legal obligations*": "*for Canada the* ***legal obligations*** *include those recognized and affirmed by section 35 of the Constitution Act 1982 or those set out in* ***self-government agreements*** *between a central or regional level of government and indigenous peoples.*"] [emphasis added]

In terms of Article 32.5 of the **Canada-United States-Mexico Agreement** (**CUSMA**) it should be noted that the government of Canada's, IRSG Policy has a third list of **non-negotiable matters** that include:

- *International Right of Self Determination.*
- *De Facto Extinguishment of Aboriginal Title & Terra Nullius (Empty Lands).*
- *Assumed Crown Sovereignty, international treaty-making.*
- *International trade, import & export.*
- *Trade & commerce.*
- *Criminal law.*
- *Fiscal policy*

Further to these actions listed above, on December 16, 2021, Prime Minister Justin Trudeau issued mandate letters to his two Ministers regarding implementation of the federal Two-Track process.

To Patty Hadju, Minister of Indigenous Services Canada:

> "*As Minister of Indigenous Services,* ***[c]ontinue to support First Nation-led processes to transition away from the Indian Act****. Work with communities and institutions to* ***invest in capacity building initiatives that support and advance self-determination like the 10-year Grant***." [emphasis added]

To Marc Miller, Minister of Crown-Indigenous Relations:

> "*As Minister of Crown-Indigenous Relations, your first and foremost priority is to work in full partnership with First Nations…****as they transition to self-government and move away from the Indian Act.***" [emphasis added]

In the Two-Track process, the role of *Indigenous Services Canada* is to prepare First Nations for the devolution of programs and self-government through capacity building, including the 10-Year Grants.

The role of *Crown-Indigenous Relations* is to implement existing self-government agreements, including modern treaties and the alternative to the *Indian Act* legislative arrangements—through the national land and Financial Management Agreement institutions—and to continue this approach regarding the negotiation of Inherent and Treaty rights through the IRSG Policy.

This is confirmed by the Planned Results in the *2022-2023 CIRNAC Departmental Plan*[10], which lists the following results indicators:

- *Number of communities where treaties, self-government agreements and other constructive arrangements have been concluded.*
- *Number of treaties, self-government agreements and other constructive arrangements that have been concluded.*
- *Average Community Well-Being Index score for modern treaty and self-government agreement holders.*
- *Percentage of First Nations that have opted into an Indian Act alternative.*

[10] Crown-Indigenous Relations and Northern Affairs Canada, Departmental Plan 2022-2023.

- *Percentage of First Nations with fiscal bylaws or laws.*
- *Percentage of First Nations with established land codes.*
- *Number of specific claims settled by the department.*
- *Percentage of active Additions to Reserves that have been in the inventory for more than 5 years.*
- *Annual number of priorities identified through the permanent bilateral mechanisms that result in policies, funding or legislation.*[11]

Again, this list of CIRNAC departmental results confirms the continued colonization, domestication and municipalization of First Nations Treaty and Inherent Rights through the federal IRSG Policy.

Canada's Domestication of UNDRIP

In 2016, at the start of the Trudeau government's first mandate, various Cabinet Ministers made public statements that the federal government's intent was to develop "*a Canadian definition of the Declaration*" that domesticates First Nations Inherent and Treaty rights by acceptance of Canada's "*assumed Crown sovereignty.*"

This is why the federal government refused to amend **section 2(2) of Bill C-15**, which provides for the definition of the Rights of Indigenous Peoples:

> ***Rights of Indigenous peoples***
> *(2) This Act is to be construed as upholding the rights of Indigenous peoples recognized and affirmed by section 35 of the Constitution Act, 1982, and not as abrogating or derogating from them.*

Section 2(2) of Bill C-15 is based on the section 35 common law, which is heavily based on the colonial doctrine of discovery and could be interpreted by the federal government and the courts to limit the implementation of the international standards of UNDRIP.

To address First Nation concerns regarding Bill C-15's definition of Indigenous rights, the Assembly of First Nations proposed several amendments to **section 2 of Bill C-15**, regarding the definition of Indigenous Rights, which were rejected by the House of Commons *Standing Committee on Indigenous and Northern Affairs*. The AFN proposed amendments were as follows:

[11] Ibid, page 19.

> ***Rights of Indigenous peoples***
> *(2) This Act is to be construed as upholding the rights of Indigenous peoples recognized and affirmed by section 35 of the Constitution Act, 1982, and not as* ***diminishing*** *or abrogating or derogating from them.* [emphasis added]
>
> ***2(4) For greater certainty, the rights of Indigenous peoples, including treaty rights, must be interpreted flexibly so as to permit their evolution over time and any approach constituting frozen rights must be rejected***. [emphasis added]
>
> ***2(5) For greater certainty, nothing in this Act is to be construed so as to diminish or extinguish the rights of Indigenous peoples, including treaty rights***. [emphasis added]

These proposed amendments were deemed necessary to avoid future interpretations of Indigenous rights based on outdated, colonial and racist assumptions and prejudices, with the view that First Nation's customs, traditions, and rights are frozen in stereotypes based on prejudices drawn from non-Indigenous peoples' beliefs regarding the past lives or circumstances of First Nations Peoples. Also, to limit future interpretations or application of Bill C-15 that might have the effect of diminishing or extinguishing the rights of First Nations, including Treaty rights.

It is essential to create space for alternative views of Bill C-15. We recommend that First Nations develop strong positions on Inherent and Treaty rights and a coordinated First Nations strategy, before the federal government releases its Bill C-15, *UNDA* Action-Plan. So that the federal Bill C-15, *UNDA* Action-Plan—once made public—can be measured against First Nations positions on Inherent and Treaty rights.

Buiding a Contemporary Context for Our Founding Documents

In 1980, a **Declaration of First Nations** was adopted along with a 1981 **Statement of Treaty and Aboriginal Rights Principles** by the National Indian Brotherhood to give birth to our national organization—the Assembly of First Nations, formed in 1982.

The **Declaration** and **Treaty and Aboriginal Rights Principles** are the founding documents of the AFN and can be built upon for developing a contemporary context for strong First Nation positions on Inherent and Treaty rights, regardless of the content of the federal Bill C-15, *UNDA* action-plan.

The **AFN Charter** (6 July/21 consolidation) states that the right of self-determination and self-government have their source in the Creator and are not derivative from other governments, or contingent on the approval of other governments:

> "*... the Creator has given us the right to govern ourselves and the right of self-determination.... the rights and responsibilities given to us by the Creator cannot be altered or taken away by any other nation ...*"

The **AFN Charter** states that Aboriginal Title & Rights, Treaty Rights, and First Nationhood are international in character. It also says that these rights are protected in the Canadian constitution:

> "*... our aboriginal title, aboriginal rights and international treaty rights exist and are recognized by international law; ... the Constitution of Canada protects our aboriginal title, aboriginal rights (both collective and individual) and international treaty rights; ... our nations are part of the international community.*"

The **1981 Declaration of First Nations** states that "*All .... treaties ... which apply to the First Nations of Canada are international treaty agreements between sovereign nations.*" It goes on to say that "*Indian Governmental powers and responsibilities exist as a permanent, integral fact in the Canadian polity.*"

Taken together, these **statements of principle** confirm that although the source of First Nations government jurisdiction comes from the Creator and has a basis in international law, ultimately an accommodation with Canada must take place. It does not however accept that other governments possess a veto over the nature and scope of First Nation's sphere of jurisdiction.

Further to the **Declaration of First Nations** and the **AFN Charter** the *Royal Commission on Aboriginal Peoples* concluded that "*the Aboriginal peoples of Canada possess the right of self-determination,*" as such, First Nations recognize that policy development must be informed by discussions and agreements at the national and international levels with respect to the rights of First Nations, including the international right of First Nations to self-determination.

For the last number of years, the Government of Canada has taken several unilateral actions outside of the **Permanent Bilateral Mechanism MOU** co-development process, which negatively affect the Inherent and Treaty rights of First Nations and weaken and undermine the historic First Nations-Canada Bilateral Relationship.

Aligning Landback with UNDRIP Standards

Moreover, there are numerous examples across Canada where the federal government is ignoring its fiduciary responsibilities by allowing provincial and territorial governments to infringe First Nations Inherent and Treaty rights. This is ongoing colonialism and racism through the policy and legislative actions of provincial and territorial governments.

We are recommending that the Assembly of First Nations and the government of Canada advance truth and reconciliation by implementing, recognizing, and respecting our Inherent and Treaty rights, including landback—any process involving First Nations lands, territories or resources now needs to be aligned with the UNDRIP Articles 26, 27, 28 regarding restoration of lands, territories and resources or restitution of lands or monetary compensation.

Also provided for in UNDRIP Article 28, is that any proposed process regarding Indigenous lands, territories and resources, must be aligned with the international standard of free, prior, informed, consent (FPIC) of Indigenous Peoples and must be a basis for restoration of, or restitution for, Indigenous lands, territories and resources "**which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent**." [emphasis added]

This clearly involves Canada's "*land claims*" policies, which as AFN noted in 1990, have been divided "*into two separate, narrowly defined policies for "specific" and "comprehensive" claims [which] is an artificially imposed distinction [and] excludes many legitimate grievances*."[12]

We recommend reviving constitutional discussions that will lead to actionable constitutional amendments that will secure First Nations right to self-determination and constitutional space for implementation of First Nations Jurisdiction.

We Propose A Six-Point Strategy

Federal, provincial and territorial governments continue to define our Inherent and Treaty Rights without First Nations at the table. It is critical that First Nations assert themselves and develop a clear path to get the federal, provincial and territorial governments to accommodate Inherent and Treaty Rights, as we understand them, in a jointly developed policy and legislative framework.

[12] AFN Paper "*Doublespeak of the 1990's: A Comparison of Federal Government and First Nation Perception of Land Claims Process*", August 1990.

Objectives of the Six-Point Strategy

There are **three key objectives** to the six-point strategy:

1. To get the federal, provincial, and territorial governments to recognize and respect First Nations Aboriginal title, Inherent rights, all Treaties, and the right of self-determination, **in accordance with international law.**

2. The creation of a new policy and legislative framework with the federal, provincial, and territorial governments for discussion at **a First Ministers' Meeting**, which recognizes and affirms First Nations Aboriginal title, Inherent rights, all Treaties, and the international right of self-determination.

3. To support First Nation Peoples in the exercise of the rights flowing from their Aboriginal title, Inherent rights, and all Treaty rights to obtain benefits from **restoration** of, or **restitution** for, their **lands, territories, and resources** that First Nations have traditionally owned, occupied or otherwise used or acquired, which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

Elements of the Six-Point Strategy

The six elements are as follows:

1. **Public Education**
   To raise awareness about Inherent and Treaty rights amongst the public, media and First Nations.

2. **Political/Negotiation/Pre-Litigation Strategy**
   Replacing harmful policies and process that diminish or negatively Inherent and Treaty Rights, as well as scoping out potential legal strategies.

3. **Litigation**
   Develop short term and long term legal strategies to ensure Inherent and Treaty Rights are fairly and justly interpreted based up the nation-to-nation relationships.

4. **Policy & Legislative Framework Development**

To replace the existing colonial, domestic policy and legislative framework with one that recognizes and respects First Nation Inherent and Treaty Rights based upon the international right to self-determination.

5. **Direct Action/Assertion of Rights**
   Support rights holders in the exercise of their Inherent and Treaty Rights in their territories.

6. **International Campaign**
   Networking with and securing international support from other Indigenous Peoples and Human Rights bodies from around the globe for the implementation of our Inherent and Treaty Rights.

Conclusion

This **discussion paper** and **strategy** has been prepared to ensure all First Nations Inherent and Treaty rights are implemented, recognized, and respected by Crown governments, industry and third parties, whether there is a Treaty, Self-Government Agreement, or other arrangements in place, or not.

We are recommending that the Chiefs-in-Assembly at the AFN April 2023, Special Chiefs' Assembly, support the establishment of a **Committee of the Chiefs**, with technical support, to be tasked with overseeing the detailing of the **six-point political strategy** for the protection and defense of the Inherent and Treaty Rights, Sovereignty and Jurisdiction of First Nations, in consultation and coordination with the AFN Executive Committee and to ensure the Chiefs' Committee provides an update to the First Nations-in-Assembly at the July 2023 Annual General Assembly on the progress of the work.

Of course, at the end of the day, negotiations with the Crown are the prerogative of the First Nations, whether individually or collectively. But right now, the federal government has the leverage and are imposing their policy frameworks on First Nations. This strategy is intended to provide guidance to the AFN to create a more level policy and legislative playing field in which those individual or collective negotiations can take place.

ANNEXES

1. **1980 Declaration of First Nations & 1981 Treaty & Aboriginal Rights Principles.**
2. **AFN Resolutions 5/95 & 25/2019.**
3. **Chronology of Events.**

1005-1

A Declaration of The First Nations

We the Original Peoples of this Land know the Creator put us here.

The Creator gave us Laws that govern all our relationships to live in harmony with nature and mankind.

The Laws of the Creator defined our rights and responsibilities.

The Creator gave us our spiritual beliefs, our languages, our culture, and a place on Mother Earth which provided us with all our needs.

We have maintained our freedom, our languages, and our traditions from time immemorial.

We continue to exercise the rights and fulfill the responsibilities and obligations given to us by the Creator for the Land upon which we were placed.

The Creator has given us the right to govern ourselves and the right to self-determination.

The rights and responsibilities given to us by the Creator cannot be altered or taken away by any other Nation.

Treaty and Aboriginal Rights Principles

1. The aboriginal title, aboriginal rights and treaty rights of the aboriginal peoples of Canada, including;
   (a) all rights recognized by the Royal Proclamation of October 7th, 1763;
   (b) all rights recognized in treaties between the Crown and nations or tribes of Indians in Canada ensuring the Spiritual concept of Treaties;
   (c) all rights acquired by aboriginal peoples in settlements or agreements with the Crown on aboriginal rights and title;

are hereby recognized, confirmed, ratified and sanctioned.

2. "Aboriginal people" means the First Nations or Tribes of Indians in Canada and each Nation having the right to define its own Citizenship.

3. Those parts of the Royal Proclamation of October 7th, 1763, providing for the rights of the Nations or tribes of Indians are legally and politically binding on the Canadian and British Parliaments.

4. No Law of Canada or of the Provinces, including the Charter of Rights and Freedoms in the Constitution of Canada, shall hereafter be construed or applied so as to abrogate, abridge or diminish the rights specified in Sections 1 and 3 of this Part.

5. (a) The Parliament and Government of Canada shall be committed to the negotiation of the full realization and implementation of the rights specified in Sections 1 and 3 of this Part.
   (b) Such negotiations shall be internationally supervised, if the aboriginal peoples parties to those negotiations so request.
   (c) Such negotiations, and any agreements concluded thereby, shall be with the full participation and the full consent of the aboriginal peoples affected.

6. Any amendments to the Constitution of Canada in relation to any constitutional matters which affect the aboriginal peoples, including the identification or definition of the rights of any of those peoples, shall be made only with the consent of the governing Council, Grand Council or Assembly of the aboriginal peoples affected by such amendment, identification or definition.

7. A Treaty and Aboriginal Rights Protection Office shall be established.

8. A declaration that Indian Governmental powers and responsibilities exist as a permanent, integral fact in the Canadian polity.

9. All pre-confederation, post-confederation treaties and treaties executed outside the present boundaries of Canada but which apply to the Indian Nations of Canada are international treaty agreements between sovereign nations. Any changes to the treaties require the consent of the two parties to the treaties, who are the Indian Governments representing Indian Nations and the Crown represented by the British Government. The Canadian Government is only a third party and cannot initiate any changes.

Joint Council of the National Indian Brotherhood

November 18, 1981

Chief Charles Wood
Chairman, Council of Chiefs

Delbert Riley, President
National Indian Brotherhood

National Indian Brotherhood

ASSEMBLY OF FIRST NATIONS

55 MURRAY ST., 5TH FLOOR
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XVI ANNUAL GENERAL ASSEMBLY **Resolution no. 5 /95**

SUBJECT: Proposed Federal Policy Framework on the Inherent Right of Self-Government

MOVED BY:

Chief Peter Yellowquill
Long Plain First Nation

SECONDED BY:

Chief Lawrence Paul
Millbrook First Nation

Carried by Consensus

Certified copy of a
Resolution adopted on
July 18, 1995
Ottawa, Ontario

Ovide Mercredi
National Chief

WHEREAS the Government of Canada has drafted a policy framework on the inherent right of self-government without meaningful consultation with the First Nations of Canada and has refused to share any documentation on the development of this policy framework; and

WHEREAS it appears that the proposed federal policy framework is inconsistent with the First Nations understanding of the inherent right and may have a detrimental impact on First Nation goals and aspirations regarding self-government; and

WHEREAS the Assembly of First Nations' fundamental position is that the inherent right is Creator-given since time immemorial and cannot be delegated to First Nations by any other government; and

WHEREAS First Nations have maintained, and the Government of Canada recognizes and affirms, that s. 35 of the *Constitution Act, 1982* includes the inherent right of self-government;

WHEREAS inherent, aboriginal and treaty rights cannot be unilaterally interpreted or imposed by federal or provincial governments; and

THEREFORE BE IT RESOLVED THAT the Chiefs in Assembly reject the federal government's proposed inherent right of self-government policy framework; and

FURTHER BE IT RESOLVED THAT Chiefs hereby direct that the National Chief and Executive Committee insist that the Prime Minister instruct the Minister and his officials to cease and desist from any further development or implementation of this policy; and

FURTHER BE IT RESOLVED THAT the Chiefs in Assembly direct the National Chief and Executive Committee to begin the process of developing a Draft Position Paper on the Inherent Right of Self-Government, to be tabled at the next Confederacy of Nations.

July 18, 1995
Ottawa, Ontario

Assembly of First Nations

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ANNUAL GENERAL ASSEMBLY
July 23, 24 & 25, 2019, FREDERICTON, NB

Resolution no. 25/2019

TITLE:	**Support for a First Nations Led Engagement Process on Nation Building**
SUBJECT:	Inherent Rights, Title and Jurisdiction
MOVED BY:	Kupki7 Judy Wilson, Neskonlith Indian Band, BC
SECONDED BY:	Chief Lance Haymond, Kebaowek First Nation, QC
DECISION:	Carried by Consensus

WHEREAS:

A. The Honourable Carolyn Bennett, Minister of Indigenous and Northern Affairs, announced Canada's unqualified support for, and intent to fully implement, the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) at the United Nations Permanent Forum on Indigenous Issues on May 10, 2016.

B. The Right Honourable Prime Minister Justin Trudeau promised to fully respond to each of the Calls to Action of the Truth and Reconciliation Commission.

C. Call to Action 43 calls upon federal, provincial and municipal governments to fully adopt and implement the UN Declaration as the framework for reconciliation.

D. The UN Declaration states:

i. Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

ii. Article 26 (3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect of the customs, traditions and land tenure systems of the indigenous peoples concerned.

Certified copy of a resolution adopted on the 25th day of July 2019 in Fredericton, New Brunswick

Perry Bellegarde

PERRY BELLEGARDE, NATIONAL CHIEF

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iii. Article 27: States shall establish and implement, in conjunction with Indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to Indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of Indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

iv. Article 28: (1) Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

v. Article 28: (2) Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

vi. Article 29: (2) States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

vii. Article 32 (2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

E. Article XXIV of the American Declaration on the Rights of Indigenous Peoples states, "Indigenous peoples have the right to the recognition, observance, and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors, in accordance with their true spirit and intent in good faith and to have States honor and respect same. States shall give due consideration to the understanding of the indigenous peoples as regards to treaties, agreements and other constructive arrangements."

F. Canada's Comprehensive Land Claims Policy (CLCP) and the Inherent Right to Self-Government Policy (IRSG) and associated processes undermine the true Nation-to-Nation relationship between First Nations and the Crown and have been widely rejected by First Nations for their focus on the infringement and extinguishment of Indigenous Rights, Title, and Jurisdiction. Both policies are inconsistent with Canadian jurisprudence (*Haida, Delgamuukw, Tsilhqot'in Nation)*, Section 35 of Canada's Constitution, and the UN Declaration.

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Perry Bellegarde

PERRY BELLEGARDE, NATIONAL CHIEF

G. Unilaterally developed policy and legislation that sets parameters on the Crown's relationship with First Nations is in direct contravention of the Nation to Nation relationship and the Crown's obligations under International law.

H. AFN Resolution 47/2015, *Develop a Federal Comprehensive Land Claims Policy Based on the Full Recognition of Aboriginal Title,* rejects the CLCP and calls on Canada, "on a Nation-to-Nation basis, in direct consultation with Aboriginal Title First Nations, to undertake a process to replace the federal Comprehensive Claims Policy (CCP) with a policy that recognizes and respects Aboriginal Title and Rights in accordance with Canada's Constitutional obligations, the Tsilhqot'in Nation decision, and consistent with the UN Declaration."

I. AFN Resolution 37/2016, *Establishing a Crown-First Nations Process on Land, Peoples and Governance,* calls for the creation of a First Nations process that seeks "mutual understanding, consensus and solutions to matters pertinent to First Nations including decolonization, empowerment and "going beyond the Indian Act," and direct the Assembly of First Nations to coordinate this process with First Nation regions and Canada."

J. AFN Resolution 08/2018, *Implementing Canada's Recognition and Implementation of Indigenous Rights Framework and clarifying the role of the AFN,* calls on Canada to "completely repudiate and abandon the inherent rights policy and the any related operating practices."

K. In July 2018, AFN Chiefs-in-Assembly passed Resolution 39/2018, *First Nations Determination of the Path of Decolonization,* calling for the Framework process to be halted and a First Nations-led process created.

L. On September 11-12, 2018, the AFN hosted a National Policy Forum attended by over 500 delegates to discuss Canada's Framework process. The Final Report identified 7 emergent First Nations principles that could guide the path forward:

- **i.** Affirm the pre-existing sovereignty and inherent Title of First Nations. Inherent rights and Title already exist and have been affirmed. Our rights as peoples and nations cannot be extinguished, and do not owe their existence to any other level of government.
- **ii.** First Nations laws, language, culture, governance, jurisdiction must inform mutually acceptable solutions.
- **iii.** The honour of the Crown means that the Crown's words meet their actions and the Crown always keeps its promises, including the full implementation of treaties and agreements.
- **iv.** Value the equality of peoples as in the *Guswentah* (Two Row Wampum Treaty).

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Perry Bellegarde

PERRY BELLEGARDE, NATIONAL CHIEF

v. Fair and inclusive collaboration means making decisions together not in isolation.

vi. Clear, transparent communication must restore, not erode trust.

vii. Organize the federal government and its practices so that the *UN Declaration* guides reconciliation. Reconciliation does not mean compromise, it means moving forward in a respectful way.

M. In December, 2018, AFN Chiefs-in-Assembly passed AFN Resolution 67/2018, *Rejection of the recognition and Implementation of Indigenous Rights Framework and Associated Processes,* which called on the AFN to support First Nations in "developing their own Nation-building processes, including law-making, institution-building, and research of traditional governance systems in order for Frist Nations to begin developing standards of governance and law-making and to assert their inherent rights outside the purview of Canadian legislative control."

N. On December 4, 2018, Minister Bennett and Prime Minister Justin Trudeau publicly agreed to halt the Framework process while also committing to replace the existing CLCP and IRSG policies in partnership with First Nations.

O. On May 1-2, 2019 the AFN hosted a National 4 Policies and Nation Building Forum in Edmonton, Alberta. At this Forum Minister Bennett announced that her government would support a First Nations led engagement process to develop new policy.

P. On May 21, 2019, a *Draft Directive for Federal Officials on the Recognition and Implementation of Indigenous Rights*, was leaked. It is an internal draft government document that did not include any apparent involvement or consent of any First Nations or theAFN. Federal officials confirmed via email on June 11, 2019 that "at this point, nothing further is happening with it."

Q. The May 21, 2019, Draft Federal Directive has serious implications for Indigenous Title, Rights and historic Treaty Rights and in response, the National Chief wrote Minister Bennett on June 10, 2019, informing her AFN cannot support the unilateral Draft Directive.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Re-affirm our rejection of Canada's Comprehensive Land Claims Policy (CLCP) and the Inherent Right to Self-Government Policy (IRSG) and all associated policies and processes.

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2. Re-affirm Assembly of First Nations (AFN) Resolution 37/2016, *Establishing a Crown-First Nations process on Land, Peoples and Governance*, AFN Resolution 08/2018, *Implementing Canada's Recognition and Implementation of Indigenous Rights Framework and clarifying the role of the AFN*, AFN Resolution 39/2018, *First Nations Determination of the Path to Decolonization*, and AFN Resolution 67/2018, *Rejection of the Recognition and Implementation of Indigenous Rights Framework and Associated Processes*, which collectively:
    a. Reject federally imposed processes and approaches to the recognition of Indigenous Rights, Title and Jurisdiction.
    b. Recognize, elevate, and support Indigenous self-determination and decision-making processes.
3. Reiterate our call for a First Nations-led process to develop new federal policies and/or legislation to address the recognition and implementation of our inherent Rights, Title and Jurisdiction.
4. Reiterate our expectation that any policy or framework which may affect the Title, or Rights of any First Nation, irrespective of whether that First Nation is currently engaged in negotiations with the Crown, requires the free, prior and informed consent of all First Nations potentially impacted by such a policy or framework.
5. Direct the AFN, through coordinated action, to implement the common elements of these inter-related resolutions (08/2018, *Implementing Canada's Recognition and Implementation of Indigenous Rights Framework and clarifying the role of the AFN*, 39/2018, *First Nations Determination of the Path to Decolonization* and 67/2018, *Rejection of the Recognition and Implementation of Indigenous Rights Framework and Associated Processes*) through a national engagement process.
6. Direct the AFN to advocate for adequate federal funding to support meaningful First Nations engagement at the local, regional, and national levels on nation building.
7. Direct the AFN to provide an update on progress at the December 2019 Special Chiefs Assembly.

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Perry Bellegarde

PERRY BELLEGARDE, NATIONAL CHIEF

CHRONOLOGY OF EVENTS

TRANSITION OF FIRST NATIONS INTO FEDERAL DEFINITION OF SELF-GOVERNMENT
March 2023

1969: **Federal White Paper on Indian Policy** issued by Trudeau Liberal Government with strong opposition to it by Indian communities and Chiefs' organizations.

1971: **1969 White Paper** publicly withdrawn by Prime Minister Pierre Trudeau, but Jean Chretien, Minister of Indian Affairs confirmed in a 1971 letter: "*that progress will take place in different areas in different ways at a different pace. Experience shows that the reference of a time frame in the policy paper of 1969 was one of the prime targets of those who voiced the Indian opposition to the proposals. The course upon which we are now embarked seems to present a more promising approach to the long-term objectives than might be obtained by setting specific deadlines for relinquishing federal administration.*"

1973: **Federal policy on Aboriginal Land Claims** (Comprehensive & Specific Claims) announced.

1981: **Federal policy on Land Claims** modified to allow for discussion of local government structures at the negotiating table.

1982: Constitution Act 1982 passed including three sections relating directly to Aboriginal peoples (sections 25, 35, and 37), the last of these providing for the convening of a First Ministers' Conference on Aboriginal Constitutional Matters by April 17, 1983.

March 1983: **First Ministers' Conference** agrees on a **1983 Constitutional Accord** covering: a process for negotiating the definition of Aboriginal and Treaty rights; an agenda for these discussions; and three amendments to the Constitution.

November 1983: Report published by the **House of Commons Special Committee on Indian Self-Government** (**the Penner Report**).

1984:	Bill C-52 tabled, **an Act relating to self-government for Indian nations**. Bill C-52 is opposed by some Aboriginal groups. It dies on the order paper prior to the 1984 general election.
March 1985:	Federal Government adopts "*two-track*" policy approach as alternative and/or complement to constitutional negotiations: a) a DIAND-based community self-government track; and b) a Tripartite approach (federal, provincial, and Metis and off-reserve) for Metis and off reserve aboriginal peoples. The second track included establishing the Interlocutor, a cabinet minister designated as lead minister for Metis and off reserve aboriginal peoples.
February 1986:	Bill C-93, the Sechelt Indian Band Self-Government Act introduced and passed by late spring. On the Capacity and Powers of shíshálh Nation: *The shíshálh Nation is a legal entity and has, subject to this Act, the capacity, rights, powers and privileges of a natural person*
April 1986:	**Policy Statement on Indian Self-Government** released by DIAND Minister, David Crombie. It provides for legislatively mandated self-government agreements to be negotiated beyond the limits of the Indian Act.
1983-1987:	**Three First Ministers Conferences** focussing on Aboriginal Self-Government are held but produce no overall accord.
April 1987:	**Meech Lake Constitutional Accord** agreed to but fails to recognize Aboriginal Peoples and makes northern provincehood more difficult. First Nations' anger and opposition is strong.
June 1990:	**Meech Lake Accord** fails to be ratified, largely because of the stand taken by Elijah Harper in the Manitoba Legislature. His stand garners large support in public opinion among Canadians, Aboriginal and non-Aboriginal.
1990:	The Sparrow case is decided in which the Supreme Court of Canada rules and implies a broadening interpretation of "existing rights" as set out in the Constitution Act 1982.

November 1992: **Charlottetown Constitutional Accord**, which includes further Aboriginal constitutional rights, is defeated in a referendum by a majority of Canadian voters and by on-reserve First Nation voters.

September 1993: The 1993 Federal Election of a Liberal Majority Government, headed by Jean Chrétien. The Liberals 1993 electoral promises on Aboriginal issues included, that a Liberal government would: *Act on the premise that the Inherent Right to Self-Government is an existing Aboriginal & Treaty Right within the meaning of section 35*.

1995: In 1995, the Chrétien government broke the promise to recognize the inherent right to self-government by adopting an **'Aboriginal Self-Government'** Policy, also called the "**Inherent Right" to Self-Government Policy** (IRSG) which recognizes the right in an abstract sense but doesn't recognize that any particular First Nation has the right on the ground. In 1995, the Chiefs-in-Assembly mandated that the AFN reject the IRSG, specifically through **Resolution 5/95**, **Proposed Federal Policy Framework on the Inherent Right of Self-Government**, and has consistently mandated the AFN to oppose these policies ever since.

1996: In 1996, Ron Irwin, then Minister of Indian Affairs, initiated a process to amend the Indian Act, even though it wasn't part of the **1993 Liberal Aboriginal Platform**. In response, the Assembly of First Nations conducted a review of the amendment package and recommended to First Nations that they reject the Indian Act amendments as regressive and unconstitutional.

1996: In the Fall of 1996 the **Final Report & Recommendations of the Royal Commission on Aboriginal Peoples** was made public. The report involved 5 volumes with some 440 recommendations. The Chrétien government dismissed the RCAP report and recommendations as too costly and asserted that Liberal policies already addressed much of what was in the RCAP Report.

December 1996: In December of 1996, then Minister of Indian Affairs, Ron Irwin, introduced Bill C-79 the Indian Act Optional Modification Act into Parliament over the objections of First Nations.

June 1997:	Bill C-79 the Indian Act Optional Modification Act died on the order paper in June 1997, when a federal election was called. A main clause of Bill C-79 was to change the legal status of First Nations: "*Legal capacity of bands - 16.1 A band has the capacity and, subject to this Act, the rights, powers and privileges of a natural person.*" The same legal status and capacity as contained in Bill C-93, the Sechelt Indian Band Self-Government Act.
2003:	In 2003, while ignoring the Liberal promises of 1993, and the 1996 RCAP recommendations, Robert Nault, Minister of Indian Affairs, proceeded to introduce three Bills into Parliament. *- Bill C-6: The Specific Claims Resolution Act;* *- Bill C-7: The First Nations Governance Act;* *- Bill C-19: The First Nations Fiscal & Statistical Management Act.* These Bills were called a "*suite of legislation*" by Nault and were rejected by a majority of First Nations across Canada because they violated the Inherent and Treaty Rights of First Nations.
November 2003:	Bill C-6: The Specific Claims Resolution Act receives Royal Assent, but it was never proclaimed in force.
November 2003:	Bill C-7, the First Nations Governance Act died on the Order Paper with the prorogation of Parliament in November 2003.
November 2003:	Paul Martin sworn-in as Prime Minister as Jean Chretien steps down as Leader of the Liberal Party of Canada and leaves politics.
January 2006:	Minority Conservative government elected, led by Prime Minister Stephen Harper.
September 2007:	Implementation of the **Indian Residential School Settlement Agreement** begins. The Settlement Agreement includes five different elements to address the legacy of Indian Residential Schools: - a Common Experience Payment (CEP) for all eligible former students of Indian Residential Schools - an Independent Assessment Process (IAP) for claims of sexual or serious physical abuse

	- measures to support healing such as the Indian Residential Schools Resolution Health Support Program and an endowment to the Aboriginal Healing Foundation commemorative activities - the establishment of a Truth and Reconciliation Commission (TRC)
September 2007:	United Nations General Assembly approves the **United Nations Declaration on the Rights of Indigenous Peoples** in a vote of 144 states in favor with only Canada, New Zealand, the United States and Australia dissenting. 11 countries abstained.
June 2008:	As part of the **Indian Residential School Settlement Agreement**, Prime Minister Stephen Harper issues an apology for Residential Schools.
November 2010:	Federal government announces it endorses **UNDRIP**, but states that the Declaration is merely an "*aspirational*" instrument and does not reflect customary international law. The Harper government claims, "*the Declaration does not change Canadian laws. It represents an expression of political, not legal, commitment. Canadian laws define the bounds of Canada's engagement with the Declaration*."
January 2012:	Prime Minister Stephen Harper holds a **Crown-First Nations Gathering** in Ottawa resulting in minimal commitments.
November 2012:	**Idle No More** started in November 2012, initially among Treaty People in Manitoba, Saskatchewan, and Alberta, but spread across Canada protesting the Canadian government's dismantling of environmental protection laws.
January 2013:	Huge **Idle No More** Protest in Ottawa along with Hunger Strike by Attawapiskat Chief Thresea Spence, as AFN meeting with Prime Minister Stephen Harper, resulting in agreement to set up two **Senior Oversight Committees** (**SOC's**) with AFN: **1) Treaties and 2) Comprehensive Land Claims Policy**.
December 2013:	AFN Chiefs-in-Assembly adopt a Resolution to not renew the **Treaty SOC**.

June 2014:	Supreme Court of Canada in the Tsilhqot'in case recognize that the Tsilhqot'in have Aboriginal Title to 200,000 hectares (2,000 km2) in the core of their territory, but that "*assertion of European sovereignty*", resulted in Canada acquiring "*radical or underlying title*" to all Aboriginal Title territory.
September 2014:	Federal Minister of Aboriginal Affairs, Bernard Valcourt issues **Canada's interim policy Renewing the Comprehensive Land Claims Policy: Towards a Framework for Addressing Section 35 Aboriginal Rights** (the "*Interim Policy*") and appoints Douglas Eyford to consult on the interim policy.
April 2015:	Ministerial Special Representative's **Report on Comprehensive Land Claims Policy Renewal**, Douglas Eyford releases his report.
June 2015:	**Truth & Reconciliation Commission** releases its Executive Summary, which includes its findings and **94 Calls to Action** aimed at redressing the legacy of residential schools and advancing the process of reconciliation in Canada.
October 2015:	Federal Liberals win a majority government, partly based on an Indigenous Policy Platform among other commitments, promised to: - Develop in full partnership with First Nations a *National Reconciliation Framework*; - Engage in a new "*Nation-to-Nation*" Process; - Enact all 94 *TRC Calls to Action* and adopt *UNDRIP*; - Lift 2% Cap on First Nations Funding; - Do a full review of federal law & policy in full partnership with First Nations; - Establish an Indigenous Missing Women's & Girls Inquiry. - Other various actions regarding Indigenous Peoples.
December 2015:	Final event of the **Truth & Reconciliation Commission**, where Prime Minister Justin Trudeau reiterated the Government of Canada's commitment to work in partnership with Indigenous communities, the provinces, territories and other vital partners, to fully implement recommendations of the **Truth and Reconciliation Commission**, starting with the implementation of

	the **United Nations Declaration on the Rights of Indigenous Peoples**.
December 2015:	Prime Minister Justin Trudeau announces establishment of a **two-track approach to Indigenous Policy**: 1) **closing the socioeconomic gap** between Indigenous Peoples and non-Indigenous Canadians, and 2) **making foundational changes** to laws, policies and operational practices based on the federal recognition of rights to advance self-determination and self-government.
June 2016:	At a public event organized by "*The Economist*" magazine in Toronto in the summer of 2016, the interviewer asked the Prime Minister how his government was going to liberalize and deregulate inter-provincial trade within Canada. Trudeau responded: "*The way to get that done is not to sit there and impose, the way to have that done is to actually have a good working relationship with the Premiers, with municipal governments, with Indigenous leadership*, ***because Indigenous governments' are the fourth level of government in this country***." [emphasis added]
June 2016:	Government of Canada establishes a new approach to negotiations with partners (First Nations, Metis, Inuit) on section 35 rights through "*exploratory tables*" now called **Recognition of Indigenous Rights and Self-Determination discussion tables**. These discussions start out on the priorities of the respective Indigenous community.
July 2016:	Indigenous and Northern Affairs Minister Carolyn Bennett signs a **Memorandum of Understanding on Fiscal Relations** with AFN National Chief Perry Bellegarde.
August 2016:	Federal government establishes the **National Inquiry into Murdered and Missing Women and Girls**.
December 2016:	Prime Minister Justin Trudeau announces to an AFN Special Chiefs' Assembly, the establishment of a **Ministerial Working-Group on Law & Policies related to Indigenous Peoples** and that Minister of Justice & Attorney-General, Jody Wilson-Raybould, will lead the process aimed at de-colonializing Canada's laws and policies.

2016-2017:	Finance Canada officials led engagement processes with self-governing Indigenous groups (18 in total) and Indigenous groups in self-government negotiations (approximately 80, with varying levels of participation) on tax matters related to the **new fiscal relationship**.
February 2017:	Prime Minister Justin Trudeau formally announces the creation of the **Ministers' Working-Group on policy & law related to Indigenous Peoples**. The Working Group of Ministers responsible for the review will examine relevant federal laws, policies, and operational practices to help ensure the Crown is meeting its constitutional obligations with respect to Aboriginal and treaty rights; adhering to international human rights standards, including the **United Nations Declaration on the Rights of Indigenous Peoples**; and supporting the implementation of the **Truth and Reconciliation Commission's Calls to Action**…As its first order of business, the Working Group will develop a rigorous work plan and principles, which will reflect a whole-of-government approach that addresses all Indigenous Peoples.
April 2017:	**Canada-Metis Nation Accord** signed.
June 2017:	**Prime Minister Justin Trudeau signs a Memorandum of Understanding on Joint Priorities for Co-Development of Policy and Law with AFN National Chief Perry Bellegarde creating a Permanent Bilateral Mechanism** (**PBM**).
July 2017:	Federal Minister of Justice, Jody Wilson-Raybould issues **10 Principles respecting the Government of Canada's relationship with Indigenous peoples**.
August 2017:	As part of a Cabinet shuffle, Prime Minister Justin Trudeau announces the eventual **dissolution of the Department of Indian Affairs & Northern Development** and replacement with two new federal departments (**Indigenous Services & Crown-Indigenous Relations and Northern Affairs**) with the changes to be overseen by two Ministers.

August 2017:	Jane Philpott is named **Minister of Indigenous Services** and Carolyn Bennett is named **Minister of Crown-Indigenous Relations and Northern Affairs**. Each Minister is given a **Mandate Letter from the Prime Minister**.
December 2017:	**First Nations, Inuit Health Branch** formally transferred to the **Department of Indigenous Services Canada** (*DISC*).
December 2017:	**Two new Fiscal Relations policies** developed in separate processes that has resulted in a New Fiscal Relationship that includes a 10-year grant for First Nations in the Indian Act & a **Collaborative Self-Government Fiscal Policy** for Self-Governing First Nations.
February 2018:	Prime Minister Justin Trudeau Prime Minister Justin Trudeau made a Statement in the House of Commons regarding a **Recognition and Implementation of Rights Framework**. This was a major announcement by the Trudeau government that it intended to introduce "*Framework*" legislation into Parliament in 2018 and passing it into law by 2019. In summary, the Prime Minister announced: • A new **Recognition and Implementation of Indigenous Rights Framework** that will include new ways to recognize and implement Indigenous Rights. • This will include new **recognition and implementation of rights legislation**. • Prime Minister also stated, "***we will replace policies like the Comprehensive Land Claims Policy and the Inherent Right to Self-Government Policy with new and better approaches*** *that respect the distinctions between First Nations, Inuit, and Métis peoples*." [emphasis added]
July 2018:	During a July 2018, cabinet shuffle a **Cabinet Committee on Reconciliation** was created by the Trudeau government and Justice Minister Wilson-Raybould was sidelined from the law and policy review process.

September 2018:	AFN holds a National Policy Forum: **Affirming First Nations Rights, Title and Jurisdiction**. Crown-Indigenous Relations Minister Carolyn Bennett releases a document at the AFN Forum entitled: **Overview of a Recognition and Implementation of Indigenous Rights Framework**. The document is widely rejected by Chiefs and delegates to the AFN Forum.
September 2018:	Finance Canada-First Nations Tax Commission-Assembly of First Nations establish a Technical Working-Group on Taxation for Co-Development of Long-Term Taxation Policy, including Taxation of Cannabis Products.
November 2018:	CBC News reports the **Federal Recognition and Implementation of Indigenous Rights Framework legislation** will be delayed until after the next federal election. But a statement from the office of the Crown-Indigenous Relations Minister Carolyn Bennett that the "*Government is committed to advancing the framework, and to continue actively engaging with partners on its contents…We continue to make substantial progress in accelerating the recognition and implementation of Indigenous rights through policy changes and the development of the Recognition of Rights and Self-Determination Tables…We look forward to continue working with our partners on developing more of this crucial framework*." [emphasis added]
December 13, 2018:	**Onmibus Budget Bill C-86 Becomes Law** buried in this Bill is legislation amending the First Nations Land Management Act to reduce approval of bands opting into FNLMA from Governor-in-Council to Ministerial level & permitting Band Council to control land code voting threshold & monies transferred to a FNLMA Band.
January 2019:	In her last act as Justice Minister & Attorney-General of Canada, Jody Wilson-Raybould issued: **The Attorney General of Canada's Directive on Civil Litigation Involving Indigenous Peoples**, essentially instructions for federal lawyers when considering litigation regarding Aboriginal and Treaty rights.
January 2019:	Prime Minister Justin Trudeau shuffles Cabinet and demotes Jody Wilson-Raybould to Veteran Affairs, transfers Jane Philpott to

	President of Treasury Board and promotes junior Minister Seamus O'Regan to Minister of Indigenous Services.
February 12, 2019:	Jody Wilson-Raybould Resigns from Cabinet.
March 4, 2019:	Jane Philpott Resigns from Cabinet.
January 2019:	**Canada's Collaborative Self-Government Fiscal Policy – Final Draft**.
January 2019:	Crown-Indigenous Relations, Senior Assistant Deputy Minister, Joe Wild, begins distributing a document to First Nation organizations entitled: **Developing a New Rights-Based Policy: Summary of Current Approaches** and a Graph showing a process to replace the existing **Comprehensive Land Claims Policy** and the **Inherent Right Policy** with a new rights-based policy, by June 2019, "*based on the lessons learned from the over 75 Recognition of Indigenous Rights and Self-Determination discussion tables, as well as about 50 active modern treaty and self-government negotiation tables (as of December 1, 2018)*."
February 5, 2019:	Federal government introduces Bill C-91 An Act Respecting Indigenous Languages a pan-Indigenous Bill to impose federal jurisdiction and control over Indigenous languages without treating Indigenous languages the same as the languages in the "*Official Languages Act*" or guaranteeing funding to save Indigenous languages.
February 28, 2019:	Federal government introduces Bill C-92 An Act Respecting First Nations, Inuit and Metis Children, Youth and Families to make the doctrine of federal paramountcy applicable to Indigenous laws (section 21) and that Indigenous laws prevail over any conflicting or inconsistent provisions of provincial legislation (section 22(3)).
April 8, 2019:	Federal government introduces an Omnibus Budget Bill C-97 An Act to implement certain provisions of the budget tabled in Parliament on March 19, 2019, and other measures (First Reading April 8, 2019), buried in the Bill is legislation to dissolve the **Department of Indian Affairs and Northern Development** (**DIAND**) and create two new federal departments (**Indigenous Services & Crown-Indigenous Relations and Northern Affairs**).

May 1-2, 2019: AFN Policy Forum on First Nations Led Processes: The Four Policies (**'Inherent Right' to Self-Government; Comprehensive Land Claims; Specific Claims; Additions-to-Reserve**) and Nation Building.

May 2019: **Bills C-91, C-92, C-97** all arrive at Senate for review, possible amendment, and votes.

June 3, 2019: **MMIWG Inquiry to Release Final Report & Recommendations** a leaked copy confirms MMIWG Inquiry concludes violence against women and girls is '*genocide*'.

June 21, 2019: Parliament Scheduled to Recess for Summer.

June 2019: Governor-General gives **Royal Assent** to Adopted **Bills C-91, C-92, C-97** to Become Law.

June 2019: Federal Minister of Crown-Indigenous Relations, Carolyn Bennett, signs a **Recognition and Self-Government [Template] Agreement** with the Metis Nations of Alberta, Saskatchewan and Ontario. Chapter 7 of the agreement provides that: "*As of the Self-Government Implementation Date, the Métis Government and each of its Governance Structures will be a legal entity with the rights, powers, and privileges of a natural person at law*".

September 2019: The Government of Canada, Government of B.C. and the First Nations Summit release **Recognition and Reconciliation of Rights Policy for Treaty Negotiations in British Columbia**.

October 21, 2019: Liberal Minority Government elected in federal election.

December 2020: Federal Minister of Justice David Lametti introduces Bill C-15 the proposed **UNDRIP Act** into the House of Commons.

May 2021: Preliminary findings from a survey of the grounds at the former Kamloops Indian Residential School have uncovered the remains of 215 children buried at the site, the Tk'emlúps te Secwépemc First Nation.

June 21, 2021:	Bill C-15 the **United Nations Declaration Act** given **Royal Assent** by the **Administrator of the Government of Canada, the Chief Justice of the Supreme Court of Canada, Richard Wagner**.
June 24, 2021:	Cowessess First Nation announced a preliminary finding Thursday of 751 unmarked graves at a cemetery near the former Marieval Indian Residential School.
September 2021:	Liberal Minority Government elected in federal election.
March 2022:	Agreement reached by the Liberal Party of Canada and the New Democratic Party in Parliament, **Delivering for Canadians Now, A Supply and Confidence Agreement**. Key policy areas are climate change, health care spending, reconciliation with Indigenous peoples, economic growth and efforts to make life more affordable.
2022:	Crown-Indigenous Relations & Northern Affairs (CIRNAC) **2022-2023 Departmental Results measurements** include: - ***Annual number of priorities*** *identified through the permanent bilateral mechanisms that result in policies, funding or legislation* - ***Number of communities*** *where treaties, self-government agreements and other constructive arrangements have been concluded* - ***Number of treaties, self-government agreements and other constructive arrangements*** *that have been concluded* - ***Average Community Well-Being Index score*** *for modern treaty and self-government agreement holders* - ***Percentage of First Nations*** *that have opted into an Indian Act alternative* - ***Percentage of First Nations*** *with fiscal bylaws or laws* - ***Percentage of First Nations*** *with established land codes* - ***Number of specific claims*** *settled by the department* - ***Percentage of active Additions to Reserves*** *that have been in the inventory for more than 5 years* [emphasis added]

June 8, 2022:	Kimberly Murray was appointed as **Independent Special Interlocutor for Missing Children and Unmarked Graves and Burial Sites associated with Indian Residential Schools**.
September 1, 2022:	Justice Michelle O'Bonsawin, Abenaki member of the Odanak First Nation, **appointed to the Supreme Court of Canada**.
January 10, 2023:	Jennifer Moore Rattray appointed as the **Ministerial Special Representative** who will provide advice and recommendations, through engagement with survivors, families, partners and organizations, in support of Call for Justice 1.7 to create an **Indigenous and Human Rights Ombudsperson**.
June 2023:	**Section 6** of the **United Nations Declaration Act** (Bill C-15) requires the Government of Canada to produce a **National Action Plan** to pursue the "*objectives*" of **UNDRIP**.