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

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Artwork Designed by Latash Kinem and Ta7taliya Nahanee, Squamish

Medicine Eagle brings together Squamish Eagle from lines representing forward motion with eagle vision within a sacred Medicine Wheel for balance, holding each of the four directions, lifting all humanity on its wing.



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Clean Drinking Water

History



In the wake of the pandemic, Canada faces the growing threat of a widening of the First Nations Infrastructure Gap, with escalating construction costs placing vital projects at risk. The urgent need to tackle the housing crisis and invest in critical infrastructure compounds the challenges faced by underfunded First Nations communities. Climate change intensifies the issues for remote First Nations and necessitates sustainable funding for those First Nations to better build climate resilience into all future infrastructure developments.

The Assembly of First Nations (AFN) advocates for major federal government investments in community infrastructure and the creation of First Nations-led policies and solutions related to community infrastructure.

Safe Drinking Water Legislation

First Nations extensively criticized the 2013 *Safe Drinking Water for First Nations Act* (SDWFNA) resulting in numerous Resolutions. Following persistent advocacy by the AFN and under the terms of the National Class Action Settlement Agreement, the SDWFNA was repealed in June 2022 and Canada was required to enact replacement legislation in consultation with First Nations by December 31, 2022. Canada did not meet this deadline.

As mandated by First Nations-in-Assembly, the AFN and Canada began co-developing the replacement legislation. Since 2019, the

AFN sought feedback from First Nations in every AFN region on key elements of the proposed replacement legislation.

At the December 2022 Special Chiefs Assembly, First Nations-in-Assembly passed Resolution 23/2022, *Re-Commitment to Co-Development of Replacement Legislation for Safe Drinking Water for First Nations*. The resolution called on Canada to resume co-development of the replacement legislation and to ensure the critical requirements identified by First Nations were included. These requirements include recognition of rights over source waters, minimum binding national standards, commitment to funding, liability protection for First Nations governments, water governance structures led by First Nations, and mechanisms to address management of transboundary source waters.

AFN's recent advocacy

Safe Drinking Water Legislation

The AFN has consistently conducted legal analyses of each iteration of the proposed legislation in support of First Nations priorities. Canada released a revised draft consultation legislation in August 2023 that does not meet the terms of the Class Action Settlement. As a result of sustained advocacy by the AFN and First Nations, ISC Minister Hajdu delayed introduction of the legislation while seeking an expanded mandate.

The legislation is expected to be tabled in December 2023.

Infrastructure Gaps

The AFN continues to advocate for major federal government investments urgently needed for critical infrastructure, as well as for the creation of First Nations-led policies and solutions which address access to clean drinking water and adequate community infrastructure services. The AFN has completed two Closing the Infrastructure Gap by 2030 Reports. The first volume is a comprehensive costing report that deals with the current estimated costs for the Government of Canada to close the First Nation infrastructure gap by 2030. The second volume projects the growth to “the Gap” in the year 2040, should the Government of Canada fail in both its federal and public commitments to close the First Nations Infrastructure Gap by 2030.

As a result of sustained advocacy, the federal government has agreed to work with the AFN towards the co-development of Operations and Maintenance (O&M), Federal Tendering, and Fire Protection policy reform. These initiatives have been directed by the First Nations-in-Assembly through Resolution 82/2019, *Support for Continuing Development of Indigenous Services Canada Revised Operations and Maintenance Policy and Full Funding of First Nations Operations and Maintenance Needs*. This work supports funding reform of all First Nations infrastructure assets and community services while also improving the capacity of First Nations businesses to participate in the procurement process of federally funded infrastructure projects. The AFN, with ISC, has recently co-developed the First Nations Fire Protection Strategy (2023 to 2028) and continues its co-development process on

renewed Fire Protection Levels of Services Standards and updates to ISC’s Federal Tendering Policies.

Next Steps

Safe Drinking Water Legislation

The AFN has underpinned that First Nations require sufficient time to review and co-develop the final draft of the proposed legislation. The AFN urged Canada to share and co-develop the draft proposed legislation as soon as possible.

The AFN is exploring and analyzing risks related to the introduction. The AFN has developed a communications strategy and letters of response pending the formal release of the legislation. If First Nations critical requirements are not met, the AFN will be pursuing alternative interventions including but not limited to appearing in the parliamentary committee process. The AFN will provide First Nations with the required information and resources to advocate in support of their own priorities on the safe drinking water legislation.

Infrastructure Gaps

The AFN Infrastructure Sector continues work in the following areas:

Operations and Maintenance Policy Reform

ISC’s current O&M Policy for funded assets on First Nations is outdated and does not adequately address asset repairs and maintenance costs. A review of its level of service standards is needed. Funding reform of First Nation Infrastructure Assets and



addressing the 2020 Speech from the Throne commitment to close the First Nations Infrastructure Gap by 2030 is a high priority for the sector.

Asset Management Planning (AMP)

The AFN is working towards developing a First Nations-led Asset Management Planning (AMP) approach, building on past commitments and outcomes of the 2023 AFN National Asset Management Conference, and increasing and expanding our collective awareness and knowledge of asset management and the role that AMP plays in decision-making in asset funding.

First Nations Fire Protection Strategy

The AFN is conducting a follow-up First Nations First Responders Gathering to bring together First Nations first responders across Canada to gather expertise, experience, and share stories on how to improve first responder infrastructure in First Nations communities.

Federal Tendering Policies

The AFN is working to support the updating of dollar value thresholds to outdated tendering policies that improves First Nations business participation on federally funded projects by providing alternative and renewed measures to bid bond and performance bond requirements for projects within First Nations.

The AFN is also updating evaluation criteria to ensure First Nations construction businesses have equitable access to tendering opportunities on federally funded infrastructure projects within their regions.

Closing the Infrastructure Gap by 2030

The AFN will continue to inform both the public and private sectors on the costs and benefits of closing the First Nations infrastructure gap by national distribution of the closing the gap reports.

The AFN continues to advocate for the Government of Canada to act on its publicly made commitments to Canada and First Nations that it will make significant and immediate investments to close the First Nation Infrastructure Gap by 2030.

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Economic Development

History

The Assembly of First Nations (AFN) advocates for economic policies and programs that respect First Nations' self-determination in both the market and traditional economies of First Nations while advancing economic recovery, prosperity, inclusion, and sustainability. Current advocacy efforts address cannabis, connectivity, gaming, natural resources, and trade and procurement.

The AFN works to ensure First Nations are free to pursue economic, social, and cultural development consistent with priorities set by First Nations. The focus on supporting sustainable economic development, trade, natural resources, procurement, agriculture, connectivity, and various economic policy matters.

AFN's recent advocacy

Cannabis

In 2022, the federal government initiated a mandated three-year review of the federal cannabis framework. The *Cannabis Act* legalized and created a framework regulating the sale, distribution, and taxation of cannabis for recreational use in Canada. As directed by First Nations-in-Assembly and the Chiefs Committee on Cannabis (CCC), the AFN advocates for the recognition of First Nations jurisdiction in the cannabis industry.

To support First Nations involvement in the *Cannabis Act*, the AFN is developing a scoping paper focused on the jurisdiction and

health of First Nations in the cannabis industry. A set of recommendations will be developed within the scoping paper based on the engagement sessions held with First Nations and the CCC including feedback from a virtual cannabis town hall organized by the AFN.

Connectivity

The Government of Canada has committed to connecting all those living in Canada to high-speed internet by 2030. Currently, 38% of First Nations have access to 50/10mbps and unlimited data—the minimum standard outlined by the Canadian Radio-television and Telecommunications Commission. The AFN advocates for First Nations access to high-speed, affordable, and scalable digital connectivity by 2030.

To close the gap, the AFN submitted a pre-budget submission request to the House of Commons Standing Committee on Finance for an investment of \$5.2 billion over seven years to support First Nations connectivity infrastructure by 2030 to close the digital divide.


Gaming

The AFN is identifying capacity supports to implement Resolution 18/2022, *Support for Criminal Code Amendments Regarding Gaming Jurisdiction*. The resolution states that the *Criminal Code of Canada* prevents First Nations from entering the gaming sector unless they have a licence from a province of Canada. The AFN is advocating for amendments to section 207 of the *Criminal Code of Canada* to recognize First Nations jurisdiction over gaming. This also includes calling on Canada to support any consequential amendments to federal



legislation required to give effects to specific amendments to the *Criminal Code of Canada*.

Procurement



The AFN continues to advocate for increased First Nations procurement opportunities and benefits while monitoring Canada's mandate to ensure five percent of all federal contracts are awarded to businesses managed and led by Indigenous Peoples. The Government of Canada has also implemented short-term changes to the Procurement Strategy for Indigenous Business (PSIB) to better support First Nations and Indigenous businesses' access to procurement opportunities.

Procurement structural capacity and support for First Nations is an important consideration.

In January 2023, National Indigenous Organizations completed a draft business plan examining the merits of establishing a collaborative national Indigenous procurement organization that would grow Indigenous economy through enhanced public and private procurement. Federal departments and agencies are also working on meeting or exceeding the 5% target by the end of the fiscal year 2024-2025.

Trade

In September 2023, an AFN delegation supported Interim National Chief Bernard in presenting at the second biannual CBNII Symposium on Indigenous Inclusion held in Auckland, New Zealand. The AFN is working on expanding trade-related economic opportunities and market access for First Nations goods and services internationally and between nations. This process includes advocating for First Nations to participate in

and monitor several international collaborations and agreements such as:

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

The AFN continues to work to ensure respect for the rights of Indigenous Peoples, advocating for trade and an Indigenous Peoples chapter in all trade agreements, and trade programs and processes to include space for First Nations.

Next Steps

Cannabis

The review of the *Cannabis Act* will be carried out by an independent panel of experts appointed by the Minister of Health. The AFN's cannabis scoping paper will be submitted to the Expert Panel for their consideration in their final report. The AFN will advocate that the Government of Canada and its Expert Panel engage directly with First Nations on the legislative review. The AFN will seek guidance from the CCC regarding the *Cannabis Act* and the recommendations from the scoping paper.



Connectivity

First Nations engagement is needed to develop a First Nations connectivity strategy to ensure 100% of First Nations have high-speed digital connectivity by 2030 and are not abandoned in closing the digital divide. The AFN will continue to advocate for First Nations connectivity funding, criteria, and access to connectivity programs, training, and spectrum to support the closure of the digital divide between First Nations and Canada.

Gaming

The AFN will seek funding to support the work of the CCC and seek out key amendments as outlined in Resolution 18/2022. Asserting inherent jurisdiction over gaming and recognition from governments will continue to be a priority as First Nations move to fully participate in the Canadian gaming economy. As capacity support is secured, the AFN and the Chiefs Committee on Gaming (CCG) will identify a path forward in engaging governments.

Procurement

To support Canada's achievement of a five percent Indigenous procurement target, the AFN will advocate for First Nations' access to procurement supports and capacity, trade opportunities, quality data, and changes to the contracting environment. As mandated by Resolution 73/2023, the AFN will call on the government of Canada to provide financial support to establish a First Nations-led Procurement Organization for the benefit of First Nations and First Nations businesses. The Chiefs' Committee on Economic Development (CCED) continues to offer guidance on the creation of a First Nations-led procurement organization.

Trade

The AFN will continue to advocate for First Nations Inherent and Treaty rights to be upheld in negotiations for international trade and investment agreements and for the inclusion of an Indigenous Peoples' chapter in all future trade agreements. In addition, the AFN will continue to seek the guidance of the CCED and engage with First Nations leaders and technical officials on the type of programs and services needed for First Nations trade.

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Fisheries

History

First Nations communities have deep connection to all of Canada's coasts and waterways and all the fish and wildlife that use those water bodies. As such, they have a deep interest in protecting those environments and the life they support. Assembly of First Nations (AFN) Resolution 52/2018, *First Nations Inclusion in Canada's Oceans Protection Plan*, provided AFN with a mandate to work collaboratively with the Government of Canada to address long-term capacity funding to affected First Nations, to promote and respect the inherent rights, Treaties, title and jurisdiction of First Nations, and to secure funding for First Nations on the Oceans Protection Plan (OPP). The OPP aims to protect Canada's coasts and waterways under four pillars: state of the art marine safety systems, preservation and restoration of marine ecosystems, Indigenous partnerships, and



a stronger evidence base and increased community engagement.

At the same time, provincial governments continue to assume administration over fish and fish harvesting in the 1930s through the Natural Resources Transfer Agreements. Affected First Nations have not been afforded regular and consistent opportunity to co-develop laws, regulations, and policies in the area of fisheries. In fact, many decisions by provincial governments have been carried out without First Nations' free, prior, and informed consent. Other harmful provincial practices include harassment of fish harvesters by enforcement officers, the removal of fish quotas from First Nations communities and a general reluctance to support or acknowledge First Nations fisheries.

In response to this, affected First Nations are challenging the legitimacy of the Natural Resources Transfer Agreements and have supported the passing of AFN Resolution 73/2023, *First Nation Rights-Based Inland Fisheries Framework*, to support the exercise of their rights to inland fisheries. As a first step, the AFN hosted an Inland Fisheries Engagement, which took place on November 21-23, 2023, in Scantbury, Manitoba, in partnership with the Keewatinook Fishers of Lake Winnipeg and the Prince Albert Grand Council.

AFN's recent advocacy

In September 2023, the AFN sought and obtained funding to fully support a three-day engagement to implement Resolution 73/2023, *First Nation Rights-Based Inland Fisheries Framework*. Approximately 70 delegates from Alberta, Manitoba, Saskatchewan, and the Northwest Territories

created space for meaningful discussions around the challenges posed by the Natural Resources Transfer Agreements. This engagement was designed to create space for participants to share their experiences as inland fish harvesters, and to identify both the barriers to their involvement in the management of those fisheries and the ways to remove or modify those barriers.

The AFN continues to advocate for federal funding to First Nations in support of exercising jurisdiction over Fisheries. Federal Budget 2022 committed an additional \$2.0 billion over nine years to renew and expand the OPP.

Additionally, the AFN, Transport Canada and the Canadian Coast Guard formed a working group to conduct a joint assessment of the OPP. The Working Group, under the revised and updated work plan, meets approximately every two weeks. The OPP Assessment aims to incorporate First Nations' marine values and ways of knowing into assessment design and methods, provide an opportunity for First Nations to collaborate with each other, gain clarity about OPP activities, and provide recommendations and an assessment framework for the second phase of the OPP.

Next Steps

The AFN is producing a "What We Heard" report from its Inland Fisheries Engagement, which will be used as a primary guide in the development of a work plan to develop a Rights-Based Inland Fisheries Framework. This work will continue to be a joint effort between AFN, affected First Nations, and their communities.

The AFN, Transport Canada, and the Canadian Coast Guard have also developed a





best practices framework and assessment methods that will guide and inform the assessment. The assessment methods will be piloted using the first phase of the OPP. Once the assessment results are available, they will be shared at regional engagement sessions and assessment methods revised based on feedback. Assessment results are also expected to monitor and improve how the second phase of the OPP is implemented.

The AFN continues to promote First Nations fisheries and advocate to all levels of government to work with First Nations to revise regulations and policies to respect First Nations' Treaty and inherent rights, and to empower First Nations' authorities in fisheries protection and enforcement.

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Environment

History

In 2019, First Nations-in-Assembly passed Resolution 05/2019, *Declaring a First Nations Climate Emergency*. That resolution formally recognized that we are in a global climate emergency. The AFN continues its work to address these crises while recognizing and respecting First Nations' Inherent rights, title, jurisdiction, and self-determination. The AFN progresses this work with the understanding that First Nations are critical drivers in healing the relationship with and fulfilling our responsibilities to Mother Earth.

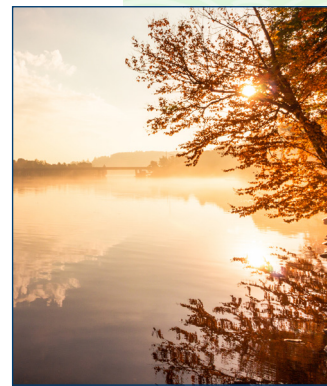
AFN's recent advocacy

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

Climate Action

In July 2023, First Nations-in-Assembly passed Resolution 36/2023, *Urgent and Transformative Climate Action through the AFN National Climate Strategy*, endorsing the AFN National Climate Strategy and reaffirming the declaration of a First Nations Climate Emergency from Resolution 05/2019. Launched on October 18, 2023, the AFN National Climate Strategy contains seven priority areas, along with 108 strategies and actions. AFN is developing an implementation plan with First Nations rights and titleholders and ACE.

The Joint Committee on Climate Action (JCCA) has continued its efforts to advance First Nations priorities and interests in various federal climate policy processes. To explore new opportunities to enhance effectiveness, the JCCA is currently conducting a review exercise on its progress. Finally, the JCCA has begun the process of developing its 2023 Annual Report to the National Chief and Prime Minister. On the First Nations Climate Leadership Agenda (FNCLA) initiative, several First Nations regional leads are in the process of





hosting ongoing regional engagements to collect information, priorities, and recommendations to advance First Nations climate leadership. The AFN supports the FNCLA initiative with coordination at the national level. Work is ongoing through regional First Nations leads to support the advancement of regional climate priorities.

Finally, an AFN delegation will attend the 28th session of the Conference of the Parties (COP 28) of the UN Framework Convention on Climate Change (UNFCCC) in Dubai, UAE, from November 30 to December 12, 2023.

Conservation and Biodiversity

The AFN continues its advocacy to effectively position First Nations on conservation and biodiversity policy in Canada. Federal commitments at the UN Convention on Biological Diversity (CBD) 15th Conference of the Parties (COP15) to halt and reverse biodiversity loss, through the Kunming-Montreal Global Biodiversity Framework (KMGBF), and through a parallel commitment to implement the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), First Nations in Canada are positioned at the forefront of domestic and international conservation efforts moving forward.

The AFN actively participates in CBD meetings at the international level for the creation of space for Indigenous Peoples' governance, rights, and knowledge systems within all areas of the KMGBF.

To support these processes domestically, the AFN is working in collaboration with Canada to establish a First Nations Nature Table (FNNT), which will formally begin its work in early 2024. The FNNT will be a strategic,

technical-level table to provide First Nations perspectives, advice, and recommendations to Canada on its implementation of the KMGBF and Canada's related Nature Agenda. In October, the AFN provided a first high-level technical review of Canada's draft National Biodiversity Strategic Action Plan (NBSAP), including contributions from the ACE and AFN's Regional Nature Coordinators. Based on this review, four areas of consideration were identified that are essential to advancing First Nations rights:

1. The recognition of First Nations leadership in achieving the KMGBF 2030 targets, including specific language that references First Nations culture and rights in relation to lands, waters, ice, and biodiversity;
2. The need for transformative change, advancing actions that transcend existing systemic and colonial processes;
3. The recognition that the many existing policies, programs, initiatives, and systems that are contained within the NBSAP are insufficient to achieve the goal of halting and reversing biodiversity loss, and
4. Recognition that efforts are meaningless without the full and effective participation of First Nations through the design, planning, and implementation of all actions contained within the NBSAP.
5. Moving forward, the AFN will continue to engage in the drafting process to advocate for positioning First Nations leadership and stewardship of the land, water, and ice.

Environmental Health

Pollution and environmental contamination continues to increase alongside increased emergencies. Recognizing the magnitude of these concerns, the AFN is advocating for renewed relationships between First Nations and Canada to advance a wholistic approach to environmental justice that addresses environmental health and protection while facilitating and promoting First Nations-led approaches.

The AFN remains engaged on Bill S-5 (*An Act to Amend the Canadian Environmental Protection Act, 1999*). An important amendment to the *Canadian Environmental Protection Act* introduced through Bill S-5 is the recognition of the right to a healthy environment (RTHE) and an obligation on the government to develop, within two years of the amendment coming into force, an implementation framework for RTHE. Environment and Climate Change Canada (ECCC) and Health Canada (HC) have begun a 2-year engagement process, including Indigenous-specific engagements, to develop a RTHE implementation framework. The AFN is advocating for the fulsome inclusion of First Nations in the development and implementation of Canada's RTHE Framework. This includes creating space to ensure First Nations can assert their rights and access the necessary resources to meaningfully contribute to the development of the implementation framework for the RTHE.

The AFN continues to work in partnership with Health Canada and the University of Ottawa, University of Montreal, McGill University and Laval University to advance research efforts under the Food, Environment, Health, and Nutrition of First


Nations Children and Youth (FEHNCY) study. The FEHNCY study was initiated in the Atlantic region in the fall of 2022 and in the Saskatchewan Region in the spring of 2023.

In addition, as directed by Resolution 58/2018, *First Nations Response to Chronic Wasting Disease*, the AFN remains engaged in advocating for wildlife health, through active engagement in Chronic Wasting Disease (CWD) research and prevention. A working group with members of the ACE and the Chiefs Committee on Health was formed in 2018, and the AFN is currently working to finalize a draft CWD position paper outlining First Nations concerns and recommended responses. The AFN also participates in the National Boreal Caribou Knowledge Consortium (NBCKC) and Indigenous Knowledge Circle (IKC).

Impact Assessment

On October 13, 2023, the Supreme Court of Canada released its decision on the constitutionality of the Federal *Impact Assessment Act* (IAA), finding that the scheme of the IAA was unconstitutional, except for ss. 81-91 (projects on federal lands). While Canada considers 'targeted and meaningful' legislative amendments, it released a statement on the interim administration of the Impact Assessment Act pending legislative amendments, outlining how existing projects under the Act will be treated. The statement committed to "...remaining consistent with the United Nations Declaration on the Rights of Indigenous Peoples and providing opportunities for meaningful engagement and participation of Indigenous Peoples in the assessment process, with the aim of securing their free, prior and informed consent." This will be a point of advocacy for First Nations as legislative amendments are considered.





The AFN was preparing to support regulatory development on the Indigenous Co-Administration Agreement Regulation: a new regulation that would provide opportunities for First Nation governments to enter into agreements to assume powers, duties, and functions under the Act (ss. 114). Progress related to this has been put on hold. Once this resumes, the AFN will continue to advocate for the full and meaningful inclusion of First Nations, regional organizations, and provincial and territorial bodies at all intervention points throughout the regulatory process of all projects. Other priority areas include an Impact Assessment Reconciliation Framework, Cost Recovery Model(s), and Ministerial Project Lists.

Next Steps

Growing recognition of the biodiversity and climate crises has elevated domestic and international environmental protection and advocacy work. Building on the 2022 federal commitments at the UNFCCC COP 27 (Egypt) and CBD COP 15 (Montreal), work related to climate change and biodiversity, respectively, has received focused global attention and commitments.

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

Water Stewardship

History

Water is life that connects us all to Mother Earth. As First Nations, our rights and responsibilities to protect water for present and future generations are demonstrated through the unique and reciprocal relationships with our lands, territories, and all living beings. First Nations women have a sacred relationship with water as water protectors and caretakers. The understanding that healthy ecosystems, relationships, and communities are all interconnected is foundational in First Nations' knowledge, decision-making, and laws. First Nations' abilities to steward, exercise their Inherent and Treaty rights, and maintain healthy relationships are increasingly threatened by climate change and other human-induced threats. Water must be protected.

AFN's recent advocacy

It is the AFN's responsibility to support First Nations stewardship and conservation, both freshwater and marine, in a manner that upholds and respects First Nations rights, title, and jurisdiction, and to advocate for the inclusion of First Nations women, youth, and gender-diverse people in decisions about water, as reflected by their traditional roles and responsibilities. Mandated by First Nations-in-Assembly, the Water Sector advances marine conservation and biodiversity, sustainable development, and freshwater protection.

Marine Conservation and Biodiversity

The AFN continues to facilitate discussions between the AFN's Marine Indigenous Protected and Conserved Areas (IPCA) Sub-working Group, the Department of Fisheries and Oceans, Environment and Climate Change Canada, and the Parks Canada Agency to discuss pathways to implement the recommendations in the AFN's report on how the Government of Canada can support First Nations to establish marine IPCAs. These discussions have included ensuring First Nations priorities are reflected in Canada's updates to related legislation, regulations, policies, and programs.

In September 2023, the AFN provided initial feedback on the Parks Canada Agency's proposed National Marine Conservation Area (NMCA) regulations, emphasizing the need to respect First Nations rights, provide flexible, collaborative governance opportunities, and maintain the ability for First Nations to steward, harvest, and benefit from their territories. The AFN continues to work with the Marine IPCA Sub-working Group with the guidance of the Advisory Committee on Climate Action and the Environment (ACE). Future work will focus on developing capacity-building tools, communications, and outreach materials to facilitate the sharing and coordination of information to support First Nations in stewarding their marine waters.

Sustainable Development Goals

As the Government of Canada carries out its commitment to the United Nations 2030 Agenda for Sustainable Development, work is focused on advocating for a First Nations pathway to achieving the 17 Sustainable Development Goals (SDGs). Canada must


ensure that no First Nations are left behind when working towards the SDGs, which include equality, and economic and environmental sustainability. In July 2023, AFN delegates attended the United Nations High-Level Political Forum on Sustainable Development (HLPF) where member nations, including Canada, presented their progress on SDG implementation. The AFN delegation met with then-Minister of Economic and Social Development Canada (ES,DC) Karina Gould, to discuss First Nations priorities, interests, and critical issues related to SDGs. In September 2023, the AFN delegation attended the SDG Summit where member states negotiated and ratified a political declaration to accelerate the implementation of the SDGs and the 2030 Agenda. AFN representatives emphasized the need for further inclusion of Indigenous Peoples in the political declaration and the need for Canada's engagement with First Nations in the next set of SDGs, given the lack of engagement with First Nations in the initial development of the 2030 Agenda.

Moving forward, the AFN will continue to push for a whole-of-government approach that ensures First Nations are active participants in SDG implementation and reporting. This includes advocating for greater funding to support First Nations-led SDG initiatives and First Nations participation in international and national SDG discussions, including through the Indigenous Peoples Major Group on Sustainable Development.



Marine and Freshwater Protection

The AFN continues to support First Nations in protecting water by advocating for the respect of First Nations' Inherent and Treaty rights where industrial activities may impact surface and groundwater.



To that end, the AFN is working to ensure that the Nuclear Waste Management Organization (NWMO) is open and transparent in its communications with First Nations as it selects a site for a deep geological repository (DGR) for the permanent storage of high-level radioactive waste in the form of used nuclear fuel. The AFN will be hosting a series of regional engagements in the Spring of 2024 and will develop communication materials to improve information-sharing on the DGR site selection process, transportation, and the storage of nuclear waste.

The Government of Canada is expected to introduce legislation to establish the Canada Water Agency (CWA) as a stand-alone agency later this year. The CWA legislation is expected to be administrative in form. CWA officials and the AFN have been meeting to discuss the concerns articulated by the First Nations-in-Assembly in Resolution 53/2023, *First Nations-led Process for National Water Stewardship and the Canada Water Agency*, regarding the CWA, to find a way forward through future engagement and co-development opportunities that affirm the rights of First Nations to steward, use, and govern water.

Where do we hope to go in the future?

Over the next year, the AFN will continue to advocate for improved First Nations control in decision-making; Indigenous-led conservation supports; long-term sustainable funding; and holistic, distinctions-based, and whole-of-government approaches related to marine and freshwater. We also remain steadfast in calling on Canada to apply a gender-responsive approach to all work related to water; this will be especially important as the Government of Canada moves forward to establish the new CWA, modernize the Canada Water Act, and implement a renewed Freshwater Action Plan. We will work with other sectors, under the guidance of relevant Chiefs' Committees, to ensure that First Nations' rights and priorities related to water are respected, including through the creation of a national First Nations-led water stewardship task force.

Working closely with other sectors, the AFN will advocate for effective implementation of the new biodiversity targets and goals in the GBF at home. To halt and reverse biodiversity loss by 2030, a whole-of-government approach to Canada's biodiversity strategy that reflects First Nations Inherent rights and responsibilities to lands and waters is needed. The AFN will continue to discuss its Marine IPCA report with federal agencies to identify pathways to implement the report's recommendations. The AFN will also continue to support First Nations to advance marine IPCAs by developing support tools, exploring legal mechanism opportunities, participating in legal federal processes, advocating for long-term sustainable funding, building IPCA

awareness, and collaborating with the relevant federal government departments. The AFN will continue to advocate for a distinctions-based approach to the SDGs, calling on the federal government to co-develop a First Nations-led pathway to achieving the SDGs and to ensure the active partnership of First Nations in the development of the future post-2030 SDGs.

Lastly, the AFN will work with relevant sectors, technical committees, leadership, and federal agencies, to implement AFN Resolution 50/2023, Addressing Impacts from Mining Activities, to ensure that all mining and mineral extraction projects taking place on First Nations lands and waters respect Inherent rights and that the negative effects of industrial activities are fully addressed.

Additions-to-Reserve

History

First Nations have been critical of the Government of Canada's Additions to Reserve (ATR) policy and process for years due to the inability to add lands to reserves in a timely and efficient manner.

In 2019, the Government of Canada committed to reforming the ATR policy and process. Canada committed \$43 million over three years in Budget 2021 to support policy reform and process improvements.



In 2022, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) initiated a phased approach to ATR reform. This approach began with preliminary engagements through the fall of 2022, followed by a call for funding proposals to support substantive engagement with First Nations in 2024. Following this engagement, CIRNAC plans to undertake an analysis and co-develop reform options with First Nations for validation and approval.

AFN's recent advocacy

Since 2020, the Assembly of First Nations (AFN) has actively advocated for ATR Policy improvements through a Lands Table established with CIRNAC. This process provides a joint technical space to share information, provide feedback, and facilitate analysis of the ATR policy and process and includes a national ATR survey initiated in 2022 by the AFN.

In 2023, First Nations-in-Assembly passed AFN Resolution 17/2023, *Prioritizing Land Back Through All Federal Laws, Policies and Programs*. This resolution calls on the





Government of Canada to facilitate and prioritize the return of lands to First Nations. The ATR Policy is one of many ways First Nations can reacquire their lands. The AFN's recent advocacy efforts are focused on ensuring that ATR policy changes are driven by the needs and priorities of First Nations and implemented with respect for First Nations Rights and self-determination.

Next Steps

Building on a past analysis of the ATR policy and process and recent efforts such as the 2022 national ATR survey, the AFN will engage with First Nations on ATR reform to determine how policy and legislative change can better support the return of lands to First Nations communities. This work is crucial for advancing reconciliation and will contribute to the long-term healing and well-being of First Nations.

Specific Claims Co-Development Process

History

For generations, First Nations have called for a new, fully independent specific claims process to facilitate the negotiation and resolution of their claims against the Crown. Under the current process, the Government of Canada is the defendant, manages all elements of the process, determines the level of funding First Nations receive to participate, and accepts or rejects First Nations claims for negotiation based on its own legal advice.

AFN Resolution 09/2020, *Jointly Develop a Fully Independent Specific Claims Process*, calls on Canada to work directly with the AFN and the Chiefs Committee on Lands, Territories, and Resources (CCoLTR) to co-develop a fully independent specific claims process consistent with the United Nations Declaration on the Rights of Indigenous Peoples and based on the following four principles:

1. Maintenance of the Honour of the Crown
2. Independence in all aspects of Claims Resolution
3. Recognition of Indigenous Laws
4. No Arbitrary Limits on Compensation

AFN's recent advocacy

In November 2022, the AFN and Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) formally launched the

Specific Claims Implementation Working Group (SCIWG) to co-develop a consensus-based model for an Independent Centre for the Resolution of Specific Claims. The SCIWG meets regularly and is making progress on a joint proposal.

In 2023, the AFN brought together a group of Indigenous legal experts to provide guidance to the SCIWG on the recognition of Indigenous laws in the specific claims process. The Council of Experts in Indigenous Laws (CEIL) has met regularly and participated in the June 2023 Indigenous Laws Gathering held in Vancouver, B.C. This event was a critical opportunity to learn from First Nations leaders and Knowledge Keepers on how Indigenous laws, traditions, customs, and land tenure systems must be included in the resolution of claims. The AFN remains committed to continuing these important gatherings in other regions, reflective of the diversity of Indigenous laws, traditions, customs, and land tenure systems across Turtle Island.

Next Steps

The AFN is continuing to make progress towards a consensus-based proposal through its work with CIRNAC. The SCIWG is working to finalize a consensus-based model for the Independent Centre for the Resolution of Specific Claims, which will be shared publicly and guide extensive consultation and engagement with First Nations, beginning in January 2024, to inform a final proposal for consideration by First-Nations-in-Assembly and the Federal Cabinet.

Specific Claims Access to Information


History

First Nations require access to records and materials held by the Government of Canada to substantiate specific claims. This requires First Nations to seek access through the Government of Canada's *Access to Information Act and Privacy Act*, collectively known as the information management regime. A provision of the *Privacy Act* specifically grants First Nations the right to access otherwise protected personal information for claim research and substantiation.

In 1999, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) introduced an internal department directive affirming First Nations Rights and for their researchers to access information held by the department for the purpose of validating claims. This directive established an informal access process, enabling First Nations to bypass the more rigid and obstructive formal access framework. In 2022, the National Claims Research Directors (NCRD) voiced concerns about CIRNAC unilaterally imposing new, arbitrary requirements for First Nations to disclose prejudicial information related to potential claims before granting requested records. These arbitrary requirements were imposed without consultation or justification and are inconsistent with the principle of access to justice.



AFN's recent advocacy



The Assembly of First Nations (AFN) participated in the Treasury Board of Canada's 2020 review of the information management regime. In a letter to the President of the Treasury Board, the Honourable Mona Fortier, the AFN reiterated the requirement that the Government of Canada meaningfully consult and include First Nations in further changes to the information management regime in a manner that is consistent with the *United Nations Declaration on the Rights of Indigenous Peoples*.

In 2023, the NCRD issued an open letter to the Minister of Crown-Indigenous Relations, Marc Miller, calling for the reversal of CIRNAC's unliteral and arbitrary changes to the established informal access to information process. Numerous First Nations and claims research units supported the open letter, as well as Regional Chief Paul Prosper and the Chiefs Committee on Lands, Territories and Resources (CCoLTR).

Next Steps

The AFN Lands Sector will continue to monitor this issue and identify opportunities to call upon the Government of Canada to meet its obligations under domestic and international law and respect the principle of Ownership, Control, Access, and Possession (OCAP®) in the fair and just resolution of specific claims. The AFN Lands Sector will also seek opportunities to support ongoing advocacy and leadership by the NCRD on these important issues.

Bill C-38 and Citizenship

History

Through the imposition of the *Indian Act*, the Government of Canada enforced an oppressive system of legislative assimilation which continues to unilaterally define First Nations identity. The *Indian Act* system of membership is a denial of First Nations self-determination and has caused severe harm to First Nations, including to generations of First Nations women and their descendants.

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

In 2021, a group of plaintiffs launched a constitutional challenge (*Nicholas v AGC*) to address ongoing inequities faced by individuals with a family history of enfranchisement under the *Indian Act*. After a brief period of engagement, Minister of Indigenous Services Patty Hajdu introduced Bill C-38, *An Act to amend the Indian Act (new registration entitlements)*, in Parliament to remedy the impacts of historical enfranchisement. Bill C-38 completed first

reading in Parliament in December 2022 and advanced to second reading in October 2023.

AFN's recent advocacy

First Nations-in-Assembly passed AFN Resolution 42/2022, *Demand for Consultation on Amendments to the Indian Act (1985)*, which calls on the Government of Canada to not table any legislative amendments until it has adequately consulted with First Nations and provided the necessary resources for community engagement. The AFN has continued to monitor Bill C-38 and has called on the Government of Canada to provide adequate resources to all First Nations to engage with their community members. Former AFN National Chief Archibald sent a letter to Minister Hajdu in March 2023 calling for the immediate withdrawal of Bill C-38.

Next Steps

The AFN will continue to provide information to update First Nations-in-Assembly on active processes undertaken by the Government of Canada that may impact First Nations citizenship. The AFN will also continue to call on the Government of Canada to provide First Nations with adequate resources to engage with their community members and exercise self-determination over their citizenship processes.


Finally, the AFN will participate in the Indigenous Advisory Process (IAP) to support the collaborative development of a process to address the second-generation cut-off in the Indian Act. The IAP, which will formally launch on November 20, 2023, will bring together First Nations regional and national organizations to provide guidance to

Indigenous Services Canada (ISC) on how to consult and cooperate with First Nations to address the second-generation cut-off. The AFN will use this opportunity to advocate for the Government of Canada to engage in meaningful consultation with First Nations in order to seek their free, prior, and informed consent prior to making any changes to the *Indian Act*.



New Fiscal Relationship

History



Fiscal relations are critical components of Nation-to-Nation relationships. Crown-First Nations fiscal relationships must support and ensure respect for First Nations Inherent rights, Treaties, Title, and Jurisdiction, and First Nations participation in economic growth. First Nations governments and institutions must have access to sufficient, predictable, long-term funding to achieve well-being for their Nations and citizens. The AFN remains committed to the co-development and design of a new fiscal relationship that moves towards sufficient, predictable, and sustainable funding for First Nations governments as envisioned in the 2019 report of the Joint Advisory Committee on Fiscal Relations (JACFR).

AFN's recent advocacy

Based on Resolution 66/2017, *AFN-Canada Joint Report on New Fiscal Relations*, the AFN and Canada co-developed the New Fiscal Relationship (NRF) Transfer or the 10-Year Grant, a new funding mechanism designed to offer First Nations an alternative to funding through contribution agreements. The NRF Transfer provides several significant benefits, including:

- a 10-year term (most contribution agreements have shorter terms);
- design and delivery services flexibility;
- ability to allocate, manage, and use funding to better accommodate local

needs and changing circumstances and priorities;

- unspent funds retention; and
- reduced administrative and reporting burdens.

Together with Indigenous Services Canada (ISC), the AFN developed an escalator for the New Fiscal Relationship Transfer to ensure funding keeps up with rising costs and population growth. As of May 2023, 143 First Nations have opted-in to the grant. Of these 143 First Nations, this year 130 will be eligible for escalation of their grant funds. Discussions with ISC and Indigenous partners are underway about expanding the grant's eligible recipients to include tribal councils and First Nations health authorities.

While Canada has long-standing programs that support the delivery of services in First Nations communities, programs such as Band Support Funding, Employee Benefits, Tribal Council Funding, and Professional and Institutional Development are considerably under-resourced. First Nation governance needs to be modernized. The AFN advocated for increases to these programs in its 2023 Federal Budget Submission and continues to work with ISC on options for modernization.

The AFN continues to call on Canada to rescind the Default Prevention and Management Policy (DPMP) and replace it with a collaborative approach that supports First Nations capacity development and mutual accountability while respecting the rights and authority of First Nations. The AFN, along with The First Nations Management Board and the Aboriginal Financial Officers Association provided a joint letter to ISC in

November 2023 maintaining this position and the need to continue to develop a strong replacement policy that ends the punitive measures in the DPMP and includes capacity supports for First Nations governments. Lastly, the JACFR envisioned a new fiscal relationship premised on shared responsibilities and mutual accountability. It called for an accountability framework to measure and report on the closure of socioeconomic gaps in conjunction with the development of options for statutory transfers between Canada and First Nations. As per JACFR recommendations, ISC is currently engaging with First Nation leadership and regions, about the draft National Outcomes-Based Framework and expects to complete the engagements by the end of 2023. Following the engagements, ISC will review the feedback received and draft a report. The draft framework will then undergo a review of the indicators to better align with First Nations needs and interests and then be brought forward for validation by First Nations-in-Assembly.

Next Steps

The AFN continues to support ISC in obtaining expanded authorities to implement the JACFR recommendations. This includes expanding the NFR Grant to aggregates such as Tribal Councils and First Nation Health Authorities and seeking additional policy authority to undertake further work on remaining JACFR recommendations including providing recommendations to First Nations on the establishment of a First Nations Auditor General Office, the creation of a First Nation Data and Statistical Institute, and the repeal of the *First Nation Financial Transparency Act*.

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


Bill C-21 Firearms Legislation

History

Bill C-21, *An Act to amend certain Acts and to make certain consequential amendments (firearms)*, was introduced in the House of Commons on May 30, 2022. On June 21, 2023, Bill C-21 was sent to the Standing Senate Committee on National Security, Defence and Veterans Affairs. The Bill (Bill C-21) will enshrine a national "freeze" on the sale, purchase, or transfer of handguns in Canada but does not completely ban their use. Notably, the Bill does not address the illegal sale of handguns resulting in the majority of gun-related crimes and violence, yet instead, focuses on increased restriction of the legal sale and ownership of handguns.

In October 2023, the Senate Committee held a series of meetings to study Bill C-21. Most Senate Committee members remain concerned with the potential overreaching negative effect of Bill C-21 on sustenance hunters, sporting gun enthusiasts, and firearm competitors. Members stressed that Bill C-21 does not effectively target its intended purpose to address the importation





of illegal handguns and other weapons from the United States. Senate Committee members criticized Bill C-21 as a one-size-fits-all approach that does not appropriately capture the geographical and demographic reality of Canada. Members pointed out that issues concerning major urban centers are not the same issues facing northern, Indigenous, and rural areas of Canada.

Committee members expressed concern regarding the “red flag” and “yellow flag” provisions of Bill C-21. Those provisions allow any individual to submit an ex parte order to authorities triggering an investigation into a gun owner’s style of weapon and whether individuals pose any threat to themselves or others. An ex parte order means a court order without the party being present and without their knowledge of it. The investigation automatically results in confiscation of the weapon for up to 30 days based on a presumption of guilt. Committee members suggest these provisions will further negatively affect Indigenous hunters and those that rely on sustenance hunting for food security. First Nations people are already over-policed and over-regulated, and these provisions will increase these issues.

AFN’s recent advocacy

At the December 2022 Special Chiefs Assembly, First Nations-in-Assembly passed Resolution 39/2022, *Opposition to Bill C-21 Federal Gun Control Legislation*. This emergency resolution publicly opposes the proposed Bill, calls upon the federal government to conduct proper and adequate consultation with First Nations, and directs the AFN to advocate for amendments to Bill C-21. This opposition, coupled with criticism

from stakeholders, pressured the federal government to withdraw proposed amendments to Bill C-21.

On November 6, 2023, Regional Chief Teegee appeared before the Senate Committee to raise concerns with the “red flag” and “yellow flag” provisions and negative impacts on First Nations Inherent, constitutional, and Treaty rights. Additionally, Regional Chief Teegee called for an amendment to the Bill to include an oversight mechanism on the powers bestowed to Chief Firearms Officers to ensure orders do not restrict First Nations access to firearms used in sustenance hunting. Regional Chief Teegee explained to the Senate Committee that First Nations leadership were not adequately consulted nor was their consent obtained with respect to any potential affects Bill C-21 may have on First Nations. The lack of consultation fails to meet the minimum standards of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) and the Crown’s duty to consult and obtain free, prior, and informed consent on legislation impacting First Nations constitutionally-recognized Inherent, Treaty, and section 35 rights.

The AFN supports legislation focused on promoting public safety and protection for vulnerable groups such as First Nations women and the 2SLGBTQIA+ community. The AFN is concerned that Bill C-21 fails to consider the perspectives of women and the 2SLGBTQIA+ community and the Bill’s potential impact to effectively address related social issues facing First Nations. Bill C-21 requires a better balance between protecting First Nations communities against growing violence against women, girls, and gender-diverse individuals and protecting

First Nations constitutionally protected Inherent rights.

Next Steps

The AFN continues to monitor the progress of Bill C-21. The AFN is calling upon the Government of Canada to conduct proper and adequate consultation with First Nations, as is required under UNDRIP prior to enacting laws that impact First Nations rights to sustenance hunting and harvesting. The AFN continues to advance amendments to the Bill and is seeking the Bill does not move forward until proper consultation and consent from First Nations leadership is obtained.

Parliamentary Monitoring

History

The Assembly of First Nations (AFN) conducts parliamentary monitoring and supports advocacy efforts in Parliament. In cases where a bill is anticipated to have a significant effect on First Nations, the AFN engages in advocacy where it is provided mandates. In many cases, the AFN will intervene to ensure that First Nations rights are respected and that First Nations voices are heard. When required, the AFN will appear before House of Commons or Senate Committees to advance the Inherent, Aboriginal and Treaty rights, title, and jurisdiction of First Nations.

In June 2023, the bills listed below received Royal Assent:

- Bill C-13, *An Act for the Substantive Equality of Canada's Official Languages*. The AFN prepared a written submission on C-13 to ensure First Nations language rights are protected through requests to incorporate Indigenous languages as an official language in Canada.
- Bill S-5, *An Act to amend the Canadian Environmental Protection Act, 1999, to make related amendments to the Food and Drugs Act and to repeal the Perfluorooctane Sulfonate Virtual Elimination Act* to ensure First Nations' rights to a healthy environment are safeguarded.

AFN's current advocacy

AFN recently advocated on many topics, including food price inflation, improving graduation rates and successful outcomes for Indigenous students, briefings on Indigenous affairs, and Arctic governance and northern perspectives. Additionally, the AFN also participated in several studies on bills that have the potential to impact First Nations' rights.

Currently, the AFN is monitoring several priority bills in both the House of Commons and the Senate.

AFN's Recent Submissions

Since Parliament resumed sitting in September 2023, the AFN has engaged with both the House of Commons and Senate Committees. The AFN supported leadership by submitting written briefs on the following topics:



Written Submissions to Committees

DATE	COMMITTEE	BILL / STUDY	VIEW
Pending	Standing Committee on Indigenous and Northern Affairs (INAN)	C-53, Recognition of Certain Métis Governments in Alberta, Ontario and Saskatchewan and Métis Self-Government Act	Link
Pending	Standing Committee on Industry and Technology (INDU)	C-27, Digital Charter Implementation Act, 2022	Link
Pending	Standing Senate Committee on Legal and Constitutional Affairs (LCJC)	S-13, An Act to amend the Interpretation Act and to make related amendments to other Acts	Link
June 29, 2023	Standing Committee on Indigenous and Northern Affairs (INAN)	Restitution of Land to First Nations, Inuit, and Metis Communities	Link

AFN's Recent Appearances

The AFN Secretariat supported leadership on recent appearances to Committees to advocate on the following topics:

Committee Appearances

DATE	COMMITTEE	BILL / STUDY	VIEW
November 28, 2023	Standing Committee on Indigenous and Northern Affairs (INAN)	C-53, Recognition of Certain Métis Governments in Alberta, Ontario and Saskatchewan and Métis Self-Government Act	Pending
November 6, 2023	Standing Senate Committee on National Security, Defence and Veterans Affairs (SECD)	C-21, An Act to amend certain Acts and to make certain consequential amendments (firearms)	Link
November 1, 2023	Standing Senate Committee on Social Affairs, Science and Technology (SOCI)	C-35, Canada Early Learning and Child Care Act	Link
October 26, 2023	Standing Senate Committee on Legal and Constitutional Affairs (LCJC)	S-13, An Act to amend the Interpretation Act and to make related amendments to other Acts	Link
October 26, 2023	Standing Committee on Finance (FINA)	Pre-Budget Consultations in Advance of the 2024 Budget	Link

Next Steps

The AFN continues to support advocacy efforts through Parliament by supporting the distribution of information within the AFN Secretariat and regional offices. The AFN continues to monitor and support AFN participation in ongoing studies and bills of interest, to ensure that our leadership is prepared to advocate on issues mandated by First Nations-in-Assembly.

MMIWG2S+ and 2SLGBTQQIA+

History

For many years, the Assembly of First Nations (AFN) pressed for a national inquiry into the crisis of missing and murdered Indigenous women and girls. The AFN advocated for a national inquiry that would support survivors and families and ensure all governments and policing services meet their obligations to protect the fundamental human rights of Indigenous women and girls.

In 2021, the AFN Women's Council carried out a National Engagement process in all AFN Regions to develop the National Action Plan to end violence against Indigenous women and girls. The AFN Women's Council worked with regions to host 85 virtual sessions across Canada, with 1,144 people participating through virtual meetings, surveys, written submissions, and video submissions. The regional engagement informed the development of a First Nations National Action Plan in response to the 231 Calls for Justice from the National Inquiry

into Missing and Murdered Indigenous Women and Girls (MMIWG) entitled: *Breathing Life into the Calls to Justice*. This First Nations National Action Plan will contribute to the federal government's MMIWG National Action Plan to End Violence Against Indigenous Women, Girls and 2SLGBTQQIA+ People (MMIWG2S+ NAP) and will be a driving force in the implementation of the 231 *Calls for Justice*.

AFN's recent advocacy

The AFN continues to call for the voices of the families of missing and murdered First Nations women and girls to be heard and respected. This important work will ensure that all governments, private sectors, and service providers implement the National Inquiry's Calls for Justice. Implementing the National Inquiry's Calls for Justice and the MMIWG2S+ NAP is crucial to recognizing and upholding the human rights of First Nations women, girls, and 2SLGBTQQIA+ people.

Following the 2021 Annual General Assembly, the AFN Executive passed Resolution 08/2021, *Implementation of the National Action Plan to End Violence Against Indigenous Women, Girls, and 2SLGBTQQIA People*, providing the mandate for the next phase of work to address MMIWG by calling upon the federal government to maintain a "families first" and distinctions-based approach to all activities going forward. The resolution also directs the AFN to continue advocating for and seeking resources to carry out activities in support of the full and meaningful implementation of the *Calls for Justice* and MMIWG2S+ NAP.





The AFN hosted a hybrid National MMIWG2S+ Gathering in Vancouver, B.C., from February 14–16, 2023, which was planned with a “families first” and trauma-informed approach. The Gathering was an opportunity for MMIWG2S+ survivors and families to reflect on the work completed to date and discuss the actions needed to end violence against First Nations women, girls, and 2SLGBTQIA+ Peoples.

On June 3, 2023, the AFN released the report *Connecting Hearts & Making Change – Building on Breathing Life into the Calls for Justice*, which reflects the voices of MMIWG2S+ survivors and families who attended the Gathering. *Connecting Hearts & Making Change* also reinforces the priority frameworks from *Breathing Life into the Calls for Justice* and provides unique additions to the four pillars: Justice, Human Security, Health and Wellness, and Culture as Safety.

Next Steps

The AFN continues important advocacy to raise awareness and work with governments to develop and implement action plans, policies, and partnerships as contained in the *231 Calls for Justice* of the National Inquiry into Missing and Murdered Indigenous Women and Girls. The AFN will continue to advocate for the implementation of the National Action Plan and the *231 Calls for Justice* in accordance with a “families first,” trauma-informed, and distinctions-based approach and to advocate for survivors and families to be at the centre of implementation and monitoring processes. The implementation of the *Calls for Justice* and the National Action Plan will not only promote and ensure the safety and security

of First Nations women and girls, but also uphold their important roles in ensuring the continued improvement, growth, and success of all First Nations.

The Government of Canada released Budget 2023, which included nearly \$125 million towards implementation of the MMIWG2S+ NAP, including \$2.2 million over five years to establish an oversight mechanism to monitor and report on the progress of implementation. The AFN will work to establish an independent accountability mechanism within the AFN to produce and publish an annual report on implementing the 231 Calls for Justice. This will include tracking the actions and items undertaken and those still outstanding to report back to First Nations-in-Assembly. The AFN will also continue to advocate for long-term sustainable funding to address and prevent all forms of gender-based violence targeting First Nations women, girls and 2SLGBTQIA+ Peoples.

Policing

History

Since 1992, First Nations Police Services have been funded through the federal government’s First Nations Policing Policy (FNPP). While the FNPP was intended to contribute to the improvement of social order, public security, and personal safety in First Nations, the FNPP has been chronically underfunded. This chronic underfunding is a key factor in the inequities existing in First Nations policing compared to non-First Nations police systems.

In December 2020, the Minister of Public Safety and Emergency Preparedness announced that Public Safety Canada (PSC) would create new First Nations policing legislation. The federal government committed to working with First Nations to create a federal framework that recognizes First Nations policing as an essential service. Since the announcement, the AFN has worked closely with First Nations leaders and Chiefs of Police to develop policy options for a legislative framework. This framework would replace the current FNPP, that for the last 30 years, led to inequitable standards and resources for First Nations police services. Following the federal government's announcement on developing a new legislative framework for First Nations Policing, PSC carried out their own virtual engagement sessions to seek input on the development of the First Nations Policing legislation.

AFN's recent advocacy

The AFN continues to work towards meeting the mandates¹ of First Nations-in-Assembly by providing support to regions to conduct engagement processes. This allows First Nations to provide direct input into the policing legislative framework and ensures that First Nations are leading the development of legislation. First Nations-led processes are central to addressing systemic racism against First Nations and enabling First Nations rights to self-determination as outlined in customary laws, historic Treaty processes, and the *United Nations Declaration on the Rights of Indigenous Peoples*.

The AFN held the third National Policing Forum in May 2023 in Calgary, Alberta. At the forum, participants discussed First Nations Policing as an essential service, and each AFN Region gave updates from their own regional engagement sessions, including concerns expressed with the FNPP. The forum provided an opportunity for First Nations leaders, First Nations police officers and policing experts, among others, to consider options in the development of a legislative framework for First Nations Policing as an essential service.

The AFN First Nations Policing Taskforce continued to meet throughout the year to provide support and guidance for the development of a policing legislative framework. The taskforce includes regional representatives, technical experts, and executive members of the First Nations Chiefs of Police Association. The taskforce's work takes a principled approach to ensuring that the legislative framework fully recognizes and financially supports First Nations policing as part of the Crown's fiduciary duty to First Nations Peoples.

Next Steps


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



¹ Resolution 07/2021, *Creation and Implementation of Legislation for First Nations Policing as an Essential Service*; Resolution 34/2021, *Support for Regionally Developed First Nations Policing Service*.

Emergency Management

History



First Nations that are at risk of flooding, forest fires, or other natural disasters rely on federal and provincial/territorial governments to provide relief when an emergency is declared. This is problematic on many fronts as the unilateral approach taken by governments has left First Nations powerless to respond and protect their citizens from pending emergencies. Without their own regime or funding First Nations are at a severe disadvantage and face additional risks as they lack equipment and the personnel to develop plans that will incorporate prevention/mitigation strategies, training, and evacuation procedures in the event of an emergency and/or natural disaster.

The AFN is engaged in ongoing work to improve funding, programs, services, and policies for First Nations' emergency management. The AFN helps to promote respectful working relationships between First Nations and governments to develop equitable, reliable emergency services. First Nations must be supported in prevention, mitigation, preparedness, response, and recovery.

The AFN strives to develop and maintain respectful working relationships between First Nations and federal, provincial, and territorial governments. These efforts help guide a cooperative and collaborative emergency management process and ensure that capacity building is the focus of all

government partners. To this end, the AFN is working toward ensuring these partnerships will effectively position First Nations for the eventual transfer of responsibility and direct funding of delivering emergency services for First Nations with the capacity and desire to do so. Until that time, the AFN will continue to ensure that Canada follows through with their responsibility to provide these services and honor Treaties and nation-to-nation agreements with First Nations.

AFN's recent advocacy

Guided by AFN resolutions, the AFN continues to advance the protection, recognition, and respect for First Nations Inherent and Treaty rights in the review and revision of First Nation emergency management policies, programs, and legislation. To best achieve these aims, the AFN engages extensively with Indigenous Services Canada (ISC), the Department of Public Safety, and other key partners to establish effective communication and liaison strategies between First Nations leaders and technicians and federal, provincial, and territorial emergency management partners.

For example, the AFN undertakes biweekly meetings with ISC to share up to date current hazard information and evolving situation reports with regional First Nations leadership and continues advocacy for the provision of comparable emergency services, appropriate and adequate funding, and support for capacity building in First Nations. The AFN is engaging directly with ISC on its Steering Committee for the Implementation of ISC's Management Action Response Plan

to the Office of the Auditor General's Report 8 on First Nations Emergency Management. The AFN also coordinates with the Chiefs' Committee on Emergency Management to prepare and engage in ongoing work with federal, provincial, and territorial ministers meetings. Engagement is currently taking place on emergency preparedness, First Nations wildland firefighters, climate change adaptation, and home flood insurance needs. The AFN has also partnered with the Canadian Red Cross to support high-level advocacy through Climate Proof Canada's National Adaptation Summit Series to advocate for increased investment directly to First Nations in federal Budget 2024 to engage in capacity building for sustainable emergency management and climate change adaptation.

Next Steps

The future of First Nations emergency management is the continual development of flexible, resilient programming as a self-determining and full partner with the federal, provincial, and territorial governments and regional emergency management organizations to address emergency and disaster events. A key focus area is shifting the emergency management paradigm from a reactive approach to a pro-active approach that values the generational knowledge and expertise of First Nations to guide their people through the impacts of climate change and all other hazards they face.


Moving forward, the AFN will continue to promote the development of First Nations-led care and control of emergency management regimes; ensuring all federal,

provincial, and territorial emergency management policies, processes, and procedures are inclusive of regional First Nations representation for advice, guidance, and contribution. With this distinct and specific support, First Nations will be able to implement culturally relevant emergency management policies and programs that best serve their specific hazardscapes and incorporate their distinct ways of knowing and being to create unique regimes that best serve each First Nation.



Residential Schools and Unmarked Graves

History



The Canadian Residential School System existed for over 100 years. Residential schools were not schools but rather institutions of assimilation and genocide, which were designed to forcibly remove First Nations children from their families and eliminate their ties with their culture and nations. Residential schools implemented a government-mandated policy of cultural genocide and erasure against First Nations peoples. On May 27, 2021, Tk'emlups te Secwepemc announced that they had found the remains of 215 children from the former Kamloops Indian Residential School in a mass unmarked grave near the residential school site. Since this discovery, there have been efforts from First Nations across Canada to carry out similar searches of former residential school sites to discover the truth about missing children who attended these institutions.

On June 8, 2022, Kimberly Murray, a member of the Kanehsatà:ke Mohawk Nation, was appointed as the Independent Special Interlocutor for Missing Children and Unmarked Graves and Burial Sites associated with Indian Residential Schools. The Special Interlocutor works closely and collaboratively with First Nations leaders, communities, Survivors, families, and experts to identify the needed measures and recommend a new federal legal framework to ensure the respectful and culturally-appropriate treatment and protection of

unmarked graves and burial sites of children at former residential schools.

AFN's recent advocacy

On March 30, 2023, the Vatican formally repudiated the "Doctrine of Discovery," officially declaring that a historic policy used to justify colonial exploitation is "not part of the teaching of the Catholic Church." The repudiation of this doctrine is long overdue. It will require more effort and commitment from the Catholic Church regarding how they will begin to enact meaningful change following this announcement. The AFN wants to ensure that policy and legislation measures in the *United Nations Declaration on the Rights of Indigenous Peoples Act* Action Plan reflect the rescinding and repudiation of the Doctrine of Discovery.

The Special Interlocutor held the Fifth Annual National Gathering on Unmarked Burials in Montreal, Québec, in September 2023, focusing on supporting the search and recovery of missing children. In June 2023, the Special Interlocutor released their interim report, which identified the common concerns that Survivors, families, and communities have identified as they search and recover missing children and unmarked burials. The Interim report also details the Special Interlocutor's 48 findings based on First Nations' concerns. The AFN made a submission to the Special Interlocutor as they began drafting their final report that is set to be released in 2024.

In June 2022, the House of Commons introduced Bill C-29, *An Act to Provide for the Establishment of a National Council for Reconciliation*. This enactment provides for the establishment of a National Council for

Reconciliation as an independent, non-political, permanent, and Indigenous-led organization whose purpose is to advance reconciliation with Indigenous Peoples. While the AFN generally supports establishing a National Council for Reconciliation, there are concerns around the selection criteria of the seats, with four identified from National First Nations organizations and nine remaining unknown. This would leave the Government of Canada to appoint representatives that may not reflect community-based interests over reconciliation or have a direct and accountable reporting link to First Nations. The AFN submitted a position paper and letter to the Senate of Canada in early November 2023, highlighting concerns on Bill C-29. The AFN advocated for more First Nations representation on the Council with guaranteed funding until all 94 Calls to Action are implemented in the Truth and Reconciliation Commission's Final Report.

Next Steps

The AFN continues to demand the full implementation of the TRCs 94 Calls to Action and complete transparency regarding documents and information in the possession of the federal government and Catholic church entities. The AFN remains committed to ensuring First Nations have the resources to carry out searches into unmarked graves at former residential school sites and that those responsible are held accountable. Furthermore, the AFN feels strongly that there must be more significant support for healing for First Nations Peoples, which incorporates ceremony and cultural protocols. The AFN stands in solidarity with

residential school Survivors and the families who are seeking justice and healing.

A funding proposal will be submitted to support a national AFN Chiefs' Committee on Indian Residential Institutions for Calls to Action (CTA) 71-76 on Missing Children and Burial Information from the Truth and Reconciliation Commission's Final Report. This committee would facilitate and advocate for the full implementation of CTA 71-76, monitor its progress, and call on the Government to fully implement the 94 CTAs.

In July 2023, the AFN released a Report Card on the progress towards full TRC implementation. The report card indicates that little to moderate progress (15%) has been made on the 94 Calls to Action. This is concerning as the federal government reports 80% completion. The AFN highlights the need for an independent monitoring mechanism to independently evaluate the completion of the 94 Calls to Action.


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United Nations Declaration on the Rights of Indigenous Peoples Act

History



The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) is an international instrument adopted by the United Nations on September 13, 2007, to enshrine the Rights that “constitute the minimum standards for the survival, dignity and well-being of the Indigenous peoples of the world” (Article 43, UNDRIP). The UN Declaration is the product of almost 25 years of deliberation by UN member states and Indigenous groups, particularly First Nations.

After decades of advocacy by First Nations, the Parliament of Canada passed the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA), providing a roadmap for the implementation of the UN Declaration based on lasting reconciliation, healing, and cooperative relations. The UNDA has three operative provisions that require Canada to: take all measures necessary to ensure alignment of Canada’s laws and policies with the UN Declaration (Section 5), develop a National Action Plan to implement the UN Declaration (Section 6), and to prepare Annual Reports (Section 7).

On June 21, 2023, the Department of Justice released Canada’s Action Plan. The Action Plan was created as an evergreen document in collaboration with Indigenous partners, including the Assembly of First Nations (AFN) and First Nations, to ensure the objectives of the UN Declaration are met

through the UNDA. The Action Plan provides a roadmap for the Government of Canada to advance the rights and self-determination of First Nations, Métis, and Inuit, through 181 distinct measures aimed at upholding the human rights of Indigenous Peoples.

AFN’s recent advocacy

Since Royal Assent of the UNDA in June of 2021, the AFN has continually advocated for First Nations rights holders to lead all processes related to implementation of the UN Declaration and for sufficient and sustained resources to support rights holders in doing this critical work in full consultation and collaboration with Canada, as required explicitly by the Act. Canada has recognized that initial processes regarding funding, engagement with First Nations and processes related to development of the National Action Plan, the Annual Reports and the alignment of laws processes require further funding and leadership by First Nations.

Since release of the Action Plan, the AFN immediately updated Leadership on the status of the Act at the 2023 Annual General Assembly, including hosting a keynote session for attendees from former Minister of Justice Jody Wilson-Raybould, as well as hosting the Minister of Justice at the time, David Lametti, for a question-and-answer session with Chiefs.

The AFN continued its advocacy throughout the summer and fall of 2023, reminding Canada that the Action Plan Measures are unclear about how implementation steps will be prioritized and that funding commitments must be made. The AFN has

continually engaged Canada to expand the overall amount of funding for rights holders to do this critical work in forthcoming Budgets, as well as learning from and improving the process of funding deployment. For Budget 2024, the AFN continues to advocate for \$1,517 billion over 5 years for First Nations-led coordination on implementation of the UN Declaration. The AFN has undertaken this advocacy at technical and political meetings with federal Ministries; AFN leadership, including Regional Chiefs and the Interim National Chief; as well as advocacy at Federal-Provincial-Territorial-Indigenous meetings throughout 2023.

The AFN also focused its advocacy on the first examples of UN Declaration implementation under Section 5's alignment of laws by strongly engaging on emerging legislative amendments. In November 2023, Cheryl Casimer appeared before the Senate Standing Committee on Legal and Constitutional Affairs, on behalf of AFN portfolio holder Regional Chief Terry Teegee, to testify on Bill S-13, *An Act to amend the Interpretation Act and to make related amendments to other Acts*. The AFN also submitted a written submission on this proposed legislation calling for Canada to uphold the UN Declaration.

Next Steps

Moving forward, the AFN will focus on ensuring adequate funding and improved funding processes are implemented by Canada immediately to support rights holders in building First Nations-led processes for UN Declaration implementation. The AFN will also continue


to advocate for more transparency on which Action Plan Measures are actively being prioritized, actioned, and funded by Canada for 2024. The AFN will continue to report out to First Nations, including by providing quarterly reports on the status of UN Declaration implementation.

The AFN will continue to advocate for the full implementation of Inherent Rights, and Treaty Rights of First Nations, and the inherent right to self-determination. A primary focus for early 2024 will be to ensure proper consultation and engagement is conducted for Canada's amendment of the *Immigration and Refugee Protection Act* (IRPA). Canada will be holding a series of roundtables about barriers and issues related to border crossings to develop changes to the IRPA.



Bill C-53, Recognition of Certain Métis Governments in Alberta, Ontario and Saskatchewan and Métis Self-Government Act

History



On June 21, 2023, the Government of Canada introduced Bill C-53, the *Recognition of Certain Métis Governments in Alberta, Ontario and Saskatchewan and Métis Self-Government Act* (Bill C-53). Bill C-53 broadly recognizes the Métis Nation of Ontario (MNO), the Métis Nation–Saskatchewan (MN-S), and the Métis Nation of Alberta (MNA) as representative Métis governments in these provinces, and provides them potential section 35 self-government rights.

At the 2023 AFN Annual General Assembly, First Nations-in-Assembly passed AFN Resolution 44/2023, *Protect First Nations Rights and Interests from Unfounded Métis Rights Assertions*, calling on the Government of Canada to immediately halt Bill C-53 until First Nations have been adequately consulted, and for the AFN to coordinate a national advocacy campaign with each interested region.

First Nations and the AFN continue to identify key issues in the legislation including Canada's ongoing failure to protect First Nations rights from potential infringement, the lack of adequate consultation with First Nations, the failure to obtain First Nations' free, prior, and informed consent, and the reality that First Nations are consistently

forced to prove their Inherent and Treaty rights to their own lands and territories.

Bill C-53 passed first and second reading and was referred to the Standing Committee on Indigenous and Northern Affairs (INAN) for further study and consideration.

AFN's recent advocacy

The AFN is working hard to advance First Nations concerns with Bill C-53. In September the AFN worked closely with the Chiefs of Ontario (COO) to plan and attend a demonstration on September 20, 2023. The AFN continues to support First Nations through facilitating direct political engagement with Minister Anandasangaree. In September, the AFN Interim National Chief sent a letter to the Prime Minister, calling on the Government of Canada to halt Bill C-53 until First Nations have been consulted and are able provide their free, prior, and informed consent. The AFN continues to raise Bill C-53 when meeting with the Government of Canada, as recently as October 25 when the AFN Executive Committee met with Minister Anandasangaree.

The AFN also continues to advocate directly in Parliamentary processes such as the Standing Committee on Indigenous and Northern Affairs (INAN) Committee. The AFN provided information and support to regions as they planned their INAN Committee appearances and submissions, and submitted a written brief to the Committee capturing a national perspective on this issue.

The AFN also made efforts to seek funding and resources to ensure all interested First Nations can undertake critical research and protect their section 35 protected Inherent and Treaty rights and continues to advocate for more effective processes for the recognition and implementation of First Nations Inherent and Treaty rights.


Next Steps

The AFN will continue to monitor and facilitate First Nations advocacy respecting Bill C-53, while calling for a national consultation process to be developed with First Nations regionally to ensure all potential impacts of this legislation are considered, and First Nations rights and interests are upheld in accordance with the *United Nations Declaration on the Rights of Indigenous Peoples*. The AFN is anticipating further engagement on Bill C-53 if it moves to the Senate. The AFN will also take steps to engage directly with AFN regions to support the development of a national position and advance collective advocacy.



Early Learning & Child Care

History



Federal programs for First Nations Early Learning and Child Care (ELCC)—including Aboriginal Head Start On Reserve, Aboriginal Head Start Urban and Northern Communities, and the First Nations and Inuit Child Care Initiative—have been historically underfunded, underserved, and inadequate to meet First Nations' needs. Outdated and stagnant funding undermines the ability of these programs to meet the needs of First Nations children and families. For decades, the Assembly of First Nations (AFN) has led calls for change in these services to ensure First Nations children are properly supported in their early years.

In 2017, the National Expert Working Group (NEWG) on First Nations ELCC led engagement and the development of the First Nations ELCC Policy Framework. The Framework outlines the vision, principles, and goals of First Nations ELCC and envisions happy and healthy First Nations children who are grounded and connected to their identity as First Nations and are supported by culture and language-based programs and services determined by First Nations. The Framework was supported by the First Nations-in-Assembly as the First Nations component of the Indigenous ELCC Framework and was released in 2018 with a \$1.02 billion investment over ten years for First Nations ELCC. Pursuant to AFN advocacy, Budget 2021 proposed investing \$30 billion in ELCC across Canada over five years; of this, \$878.53 million

is dedicated to First Nations ELCC, including service delivery and infrastructure.

AFN's recent advocacy

Pursuant to mandates given by the First Nations-in-Assembly, the AFN contracted the Institute of Fiscal Studies and Democracy to lead research with First Nations to develop options for a funding model that reflects First Nations' needs and priorities for ELCC. The NEWG oversees this work and will bring forward their recommendation on a First Nations-determined funding model to the First Nations-in-Assembly in 2024.

In December 2022, the Minister of Families, Children and Social Development introduced Bill C-35, *An Act Respecting Early Learning and Child Care in Canada*. In 2022, the First Nations-in-Assembly passed AFN Resolution 08/2022, *Early Learning and Child Care Legislation*, asserting that federal ELCC legislation must respect First Nations' rights to self-determination and jurisdiction over ELCC, and calling on Canada to engage directly with rights holders. In March 2023, the AFN, with input from the NEWG, made a submission to the House of Commons Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities. The AFN submission expressed concerns about the lack of engagement with First Nations in the development of Bill C-35 and the need to recognize First Nations jurisdiction and rights. The Submission also emphasized the importance of long-term funding for First Nations ELCC. On November 1, 2023, Interim National Chief Joanna Bernard appeared as a witness at the Senate's Standing Committee on Social Affairs, Science and Technology, reiterating the AFN's concerns and

expressing the importance of upholding the United Nations Declaration on the Rights of Indigenous Peoples and of obtaining free, prior, and informed consent when developing legislation that impacts First Nations.

Next Steps

The AFN continues to monitor the progress of Bill C-35 as it advances through the legislative process. The AFN will continue to monitor the implementation of Budget 2021 investments in First Nations ELCC to ensure that First Nations children, families, and communities are supported by First Nations-determined and delivered, high-quality, culture- and language-based ELCC. The AFN will continue to advocate for First Nations governance, self-determination, and jurisdiction over ELCC in the implementation of the First Nations and Indigenous ELCC Frameworks and in the development of a national child care system.

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National Youth Council

*Interim National Chief Joanna Bernard
(Interim National Youth Council Portfolio
Holder)*

History

The Assembly of First Nations (AFN) National Youth Council (NYC) is a key organ of the AFN, as established in the AFN Charter, and represents the perspectives of

First Nations youth across the country on issues that impact them. The NYC serves as an advisory body to AFN Chiefs' Committees, the AFN Secretariat, and the AFN Executive Committee on various youth-related issues. The Council strives to influence the direction of the AFN by promoting equality and through their work with all levels of leadership to create opportunities for personal development and empowerment for future generations.

NYC Membership and Representation

Annually, the Council elects two co-chairs and two executives at the Annual General Assembly (AGA). The Council co-chairs elected at the 2023 AGA were Rosalie LaBillois-Wysote (Eel River Bar First Nation, New Brunswick) and Winter Dawn Lipscombe (Wauzhushk Onigum Nation, Ontario). Winter-Dawn Lipscombe's term as a regional youth representative for Ontario ended in October 2023, leaving the second co-chair position vacant. A by-election for this position will be held at the Special Chiefs Assembly (SCA) in Ottawa, Ontario, on December 4, 2023.

The NYC is currently comprised of the following members:

- Yukon – Ethan Lavalley and Nikita Sawrenko-Bailey
- Northwest Territories – Jackson McDermitt and Shayla Snowshoe
- British Columbia – Kyle Alec and Crystal Lewis





- Alberta – Roman Buffalo and Khianna Ribbonleg
- Saskatchewan – Hailey Rose and Brock Mcleod-Waditaka
- Manitoba – Ashley Daniels and Carson Robinson
- Ontario – Kieran Davis and Tehya Quachegan, Alternates: Pierre Debassige and Katelyn Peters
- Québec and Labrador – Liam-Nico Awashish, Marie-Philippe Ménard, Véronik Picard, and Kananish McKenzie
- New Brunswick – Rosalie LaBillois Wysote and Darren Saulis
- Prince Edward Island – Vacant
- Nova Scotia and Newfoundland – Billie Julian and Vacant

In 2022, the AFN Management Committee approved amendments to the NYC Terms of Reference, including:

- Two additional council positions from Prince Edward Island.
- Language reflecting that youth representatives and Chairs may represent any gender/sex, inclusive of 2SLBTQQIA+ peoples.
- Updated decision-making and quorum processes.

Key Activities and Accomplishments

The NYC members are involved in various AFN priority areas. Each youth member holds a portfolio to stay current and engaged in their assigned sector's work. Members continue to update the Council on their portfolios at both the AGAs and SCAs.

The NYC Strategic Plan

The NYC developed a strategic plan that guides their focus and work. The NYC is committed to ensuring that cultural health, wellness, and unity are grounded in all aspects of work with First Nations youth at community, regional, and national levels. NYC's strategic plan centers around meeting the physical, emotional, mental, and spiritual needs of youth. The main priorities are:

- Supporting culture, wellness, and unity
- Strengthening external relationships, regional and international engagement
- Enhancing communications and reporting
- Building governance and policies
- Increasing funding and opportunities

Activity # 1: AFN Safe Drinking Water Summit

First Nations youth from various nations in Canada were invited to attend the AFN *Youth Safe Drinking Water Conference* held in Québec City, Québec, from August 28 to 29, 2023. The purpose of this summit was to bring together diverse youth voices from all nations to share their experiences with

water, to learn from experts in water protection and governance, and to develop a youth vision statement for safe drinking water. The primary call-to-action of the NYC and other youth is to address the systemic barriers caused by colonialism and capitalism that hinder access to clean water as well as the immediate improvement of water conditions and treatment facilities in First Nations communities.

Activity # 2: Housing and Homelessness Dialogue Session

Members of the NYC attended the *AFN Housing and Homelessness Hybrid Dialogue Session* in Victoria, British Columbia, July 31 to August 4, 2023. The purpose of this session was to bring together service providers, technicians, Elders, those with lived experience, and other youth to discuss future outcomes to address under housing and homelessness of First Nations. The discussions focused on the following three themes: on/off reserve, jurisdiction, and service navigation; governance and partnerships; and holistic services and specific needs.

Activity # 3: One Young World Summit

In October 2023, the AFN Interim National Chief and NYC co-chairs were invited to attend and present on First Nations concerns, opinions, and solutions at the 2023 One Young World Summit in Belfast, Northern Ireland. The One Young World Summit is an annual international gathering for the leaders of tomorrow that aims to connect and bring together the youngest and most talented people and ensure their concerns, opinions, and solutions are heard and taken into consideration by those in

power, including those in government, business, and other sectors.


One of the main outcomes of the event was the recognition of the significance of mandating the AFN and the NYC to support the success of the upcoming One Young World Summit in Montreal, Québec, from September 18-21, 2024. The NYC determined that it is essential that the One Young World organization works with First Nations to include First Nations protocol, performers, speakers, and guidance in the 2024 summit and will be seeking support from First Nations-in-Assembly.

Next Steps

In the 2024-2025 year, the NYC will continue to:

- Work with AFN Communications on a communications plan to implement components of the strategic plan.
- Work to maintain a visible and substantial presence, and strengthen youth portfolio holder responsibilities, including attending AFN Secretariat meetings, conferences and various AFN committees and working groups.
- Collaborate with the AFN Executive Committee on amplifying youth priorities.
- Collaborate with the AFN Knowledge Keepers Council, Women's Council, 2SLBTQQIA+ Council, and First Nations Veterans Council.





The NYC will meet at the SCA on December 4-7, 2023, in Ottawa, Ontario, where a by-election will be held for the vacant co-chair position. For more information about the NYC, visit the AFN website at <https://afn.ca/about-us/councils/youth-council/>.

Education Infrastructure

History

The Assembly of First Nations (AFN) continues to make impactful strides toward education infrastructure reform, K-12 education transformation, and First Nations control of First Nations education. The AFN has received and actioned various national mandates in the last year including Resolution 46/2022, *Education Infrastructure Capital Reform*; Resolution 56/2023, *Unilateral Education Programming Decisions by Indigenous Services Canada*; and Resolution 57/2023, *National Unity on Education*.

AFN's recent advocacy

The AFN has made progress on AFN Resolution 46/2022, *Education Infrastructure Capital Reform*, through engagements with First Nations leadership, education organizations, regional education agreement holders, and education experts in several regions to develop an interim and long-term approach for education capital reform. This reform provides First Nations with another outlet to engage in capital needs discussions with Indigenous Services Canada (ISC)

through existing or future education agreement negotiations.

Since the passing of AFN Resolution 56/2023, *Unilateral Education Programming Decisions by Indigenous Services Canada*, the AFN has demanded change through correspondence with the Minister of Indigenous Services regarding the department's unilateral decisions and disregard for the Chiefs Committee on Education's (CCOE) recommendations on the Education Partnership Program and Adult Education Program.

The implementation of AFN Resolution 57/2023, *National Unity on Education*, which calls for regional unity at the National Indian Education Council (NIEC) and the CCOE, is currently underway. Both Committees' terms of reference have draft amendments based on the resolution requirements and await recommendations from the NIEC and CCOE.

Finally, the AFN has recently completed the *AFN First Nations Inclusive Education Costing Report* and accompanying model, which provides First Nations with an accessible costing model to develop inclusive education needs within their education agreements.

Next Steps

The AFN continues to advocate for greater investments in education infrastructure to build schools, including First Nations schools in the Yukon and Northwest Territories. With no new funding for First Nations schools in the 2023 federal budget, the gap in education infrastructure continues to widen over the already estimated \$4.7 billion dollar gap. The

AFN will continue to work with First Nations to develop a position paper on education infrastructure capital reform following the completion of regional in-person meetings from September to December 2023.

The AFN continues to urge ISC to reverse unilateral decisions on national program guidelines and implementation to ensure that ISC's supplementary targeted programs are responsive to First Nations' needs and support for First Nations control over education. This includes further work on the Adult Education Program guidelines and applying additional pressure on ISC to increase funding for EPP. The AFN and NIEC are working with ISC to align Adult Education Program guidelines with First Nations' learning needs. However, significant reform is required in the long term for the program to reflect these needs and to reverse ISC's unilateral program implementation.

The AFN is dedicated to ensuring the 2021 federal investments of \$1.2 billion for K-12 education supports First Nations education and the conclusion of Regional Education Agreements (REA). As of June 2023, 10 REAs have been signed and concluded, two are nearing completion, and over 70 activities are underway from coast-to-coast-to-coast. The AFN has developed three fact sheets on K-12 and post-secondary education students and post-secondary education institutions, identifying funding requirements, current participation, and gaps in First Nations programs, which are intended to support future federal budget advocacy.

First Nations Health

History

The Assembly of First Nations (AFN) continues to push for transformative change through sustainable, adequate funding, capacity building, and improved relationships to support First Nations-led healthcare services and programs. Underpinning this approach is the recognition of inherent First Nations and Treaty Rights to health. AFN resolutions passed by First Nations-in-Assembly mandate Health Sector work. The Chiefs Committee on Health (CCOH), the First Nations Health Technicians Network, the Truth and Reconciliation Commission's Calls to Action, and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) all provide further guidance to the AFN Health Sector related to this critical work.

First Nations' health and wellness continue to be compromised by deficits across the social determinants of health, evident in poverty, overcrowded housing, and a piecemeal approach to health services and programming. In national and regional dialogues, First Nations have articulated that true health and wellness systems are strengths-based, rooted in cultures, guided by First Nations themselves, and include the Treaty Rights to health as foundations to move towards resilience and growth.

AFN's recent advocacy

The proposed distinctions-based Indigenous health legislation has been a key file for the AFN. Resolution 16/2023, Distinctions-Based





Indigenous Health Legislation, provides a mandate for the assembly to continue to collaborate with the federal government on developing health legislation, provided the legislation is consistent with UNDRIP and the Royal Commission on Aboriginal Peoples principles; that Crown-Indigenous Relations and Northern Affairs Canada are part of the legislative process (given the need to recognize the Treaty Rights to Health); and that the work is led by a newly established Leadership Table, mainly consisting of the CCOH members. The AFN continues to provide analysis and updates for First Nations to keep them informed on the process, and meeting with federal government representatives to help guide the federal work on this file. The AFN continues to hear concerns from across the regions regarding the health legislation process, with the short timeline for development, the lack of funds for regional engagement, lack of recognition of the Treaty Rights to Health, and lack of clarity on what areas the legislation will attempt to address being the most common heard concerns.

AFN Resolution 10/2018, *Resources for Engagement on Distinct First Nations Accessibility Legislation*, directs the AFN to work with Employment and Social Development Canada (ESDC) to secure resources to develop distinct First Nations accessibility legislation resulting from the introduction of the Accessible Canada Act in 2019. The AFN submitted the *Advancing Accessibility in First Nations on Reserve* final report to ESDC on October 20, 2023, and is advocating for ongoing funding from ESDC for First Nations and the regions to become accessible. The AFN continues to undertake polls to get a pulse on the status of

accessibility and disability in First Nations to inform elements of a distinct First Nations accessibility framework and Canada's Disability Inclusion Action Plan (DIAP) and the National Autism Strategy (NAS).

First Nations clients, leadership, and service providers continue to encounter challenges with the Non-Insured Health Benefits (NIHB) program, as identified by NIHB Navigators (representing all regions), and the 2022 Standing Committee on Indigenous and Northern Affairs Report 6: *Moving Towards Improving the Health of Indigenous Peoples in Canada: Accessibility and Administration of the Non-Insured Health Benefits Program*. Resolution 61/2022, *Reforming Non-Insured Health Benefits Travel Policies*, directs the AFN to continue the NIHB Joint Review and to engage First Nations in isolated, northern, and remote communities to fully comprehend the barriers to equitable health care. The AFN will continue to work with and advocate for First Nations to address NIHB program challenges through advocacy tables, such as the NIHB Navigators, NIHB-AFN Joint Review Steering Committee, and other partnerships with aligned health priorities. Other key advocacy areas include mental health wellness and substance misuse—ensuring First Nations perspectives are central and there is a renewed focus on strengths-based and land-based healing—elimination of tuberculosis, anti-Indigenous racism in the health care system, COVID-19 recovery, digital health services, data sovereignty, and addressing the social determinants of health.

Next Steps

The AFN will prioritize several engagement processes with First Nations over the coming months. These processes include:

- Working with First Nations regions and Indigenous Services Canada to determine the process for dispersing the Indigenous Health Equity Fund (\$2 billion over ten years) funding.
- Developing policy recommendations for the Government of Canada on a wholistic long-term and continuing care framework (by reforming the Assisted Living and First Nations and Inuit Home and Community Care Programs).
- Review and strategize the future of the AFN-NIHB Joint Review Steering Committee with feedback from First Nations health representatives.
- Garner First Nations' perspectives and priorities regarding accessibility through the recently established First Nations Accessibility Hub, as well as through polls conducted.
- Co-drafting of distinctions-based Indigenous health legislation, pending new potential timelines and changes to process.

Finally, the AFN will be working with the Chiefs Committee on Health and other First Nations representatives to advocate for significant investments in First Nations health funding in Budget 2024 as part of the Pre-Budget Submissions process. This work will include supporting AFN leadership in meeting

with federal government representatives and officials to articulate targeted funding needs that are essential to improve health outcomes for First Nations.

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First Nations Housing

History

The Assembly of First Nations (AFN), with regular guidance from the Chiefs Committee on Housing and Infrastructure and the regional First Nations housing technicians, continues to work jointly with Indigenous Services Canada (ISC) and Canada Mortgage and Housing Corporation (CMHC) to address the housing crisis by implementing the National First Nations Housing and Related Infrastructure Strategy (Strategy) per AFN Resolution 57/2018. This work includes laying a road map for First Nations to exercise jurisdiction over housing for their citizens no matter where they live; implementing AFN Resolutions 66/2023 and 60/2022 on the federal strategy on urban, rural, and northern Indigenous housing; support for the Dene Nation control of housing through Resolution 81/2019; and CMHC bonding through Resolution 32/2023.

AFN's recent advocacy

The AFN has been working with CMHC, ISC and the AFN Infrastructure sector on (1) Closing the Infrastructure Gap by 2030 (CTIG); (2) the Federal Urban, Rural, and Northern



Indigenous Housing Strategy (URN Strategy), and (3) security bonds for First Nations construction companies on housing construction contracts.

1. CTIG and the AFN's Pre-Budget Submission on Housing

By the end of November, the AFN is scheduled to complete a draft Shadow Memorandum to Cabinet (MC) on CTIG. The main purpose of the Shadow MC is to influence the Minister of Finance to commit to a multi-year financial investment that will realize the Minister of Indigenous Services' mandate to close the infrastructure and housing gap by 2030. The cost estimate to close the housing gap by 2030 that was co-developed with Indigenous Services Canada and addressed in AFN resolution 59/2022 is \$135.1 billion.

A consultant's report indicating all likely sources of capital to match the CTIG cost estimate of \$349.2 billion is currently in development. This report will show Cabinet that if the federal government is serious about closing the infrastructure and housing gap by 2030, a large percentage of the capital will have to come directly from federal cash investments or other innovative measures.

The AFN was disappointed that the 2023 federal budget did not commit a multi-year housing investment. However, the Indigenous Services Minister raised First Nations expectations that the 2024 budget might invest more when she told the participants at the AFN's National First Nations Housing and Homelessness Forum on June 1, 2023 in Toronto, "My role is to... find you the tools you need...so that First

Nations have everything they need to move forward with their work....**these investments [\$2.4 billion 5 years for on-reserve housing, Federal Budget 2022] are really just a down payment on the continued work and money that has to be dedicated to fully close the gap."**

2. Urban, Rural, and Northern Indigenous Housing Strategy

Canada has committed \$4 billion over seven years starting in 2024/2025 towards the URN strategy in addition to the 2022/2023 commitment of \$300 million.

CMHC, AFN, and Regional Technicians worked closely together on the First Nations section of the URN Strategy. The AFN and Regional Technicians proceeded to develop a Shadow Memorandum to Cabinet (MC) on the URN strategy. The Shadow MC's key features are a commitment to co-develop the federal supports to First Nations as they transition to fully exercising their housing jurisdiction over their traditional territories; that distinctions-based, First Nations-exclusive URN housing funds be spent on- or off-reserve; all federal First Nations housing policies, strategies, and initiatives shall be co-developed; and to offer Treaty First Nations processes to discuss implementing the federal government's Treaty housing obligations. Furthermore, the Shadow MC will help to fulfill Canada's constitutional obligations as well as those in the United Nations Declaration on the Rights of Indigenous Peoples. The AFN is pressing the Minister of Housing to attach the Shadow MC as an appendix to the official MC. It also



serves as a guide to Chiefs in their political advocacy.

3. **Security Bonds on First Nations Housing Construction Contracts**

On April 6, 2023, First Nations-in-Assembly passed Resolution 32/2023, *Modify CMHC Tender Security Bond Requirements*, which directed the AFN to urge CMHC to work jointly with the AFN to uphold principles of reconciliation and revise its funding and procurement policy by reducing the requirement for security bonds for First Nations construction companies.

For CMHC funded projects, bonding is required for housing projects 50 units or more and is governed by CMHC policies on bonding. The HHS continues to engage with CMHC on this issue.

Bonding is also an issue for construction companies building homes that are not funded by CMHC. For ISC funded projects, bonding is required for capital projects over \$25,000 and is governed by the *Tendering Policy on federally funded capital project for First Nations on reserve*. The Tendering Policy may impact potential projects under ISC and URN Strategy. AFN Infrastructure Sector has been working with ISC on the comprehensive review of the Tendering Policy. This includes discussions on alternatives to bonding where security is required and limiting the dollar value of projects that require security bonds for First Nations construction companies.

Next Steps

While the AFN works to implement the resolutions through advocacy with ISC and CMHC nothing can replace the effectiveness of Chiefs meeting with Ministers and parliamentarians to communicate key messages and move the agenda forward. Senior federal bureaucrats have emphasized the need for Chiefs to speak directly to the Ministers. The HHS is available to prepare Chiefs for such meetings should they wish to attend.

First Nations Labour Market

History

Resolution 25/2018, *Next Steps on a Distinct First Nations Labour Market Strategy*, provides direction to the AFN and Chiefs Committee on Human Resource Development (CCHRD) to affirm First Nations' rights to better economic and social circumstances, mandating measure to eliminate personal and institutional impediments to First Nations' access to labour market opportunities and supporting access and alternatives for greater economic independence.

As outlined in the November 2020 Fall Economic Statement, the impact of the COVID-19 pandemic on the First Nations labour market led to a federal announcement of \$144.2 million for the Indigenous Skills and Employment Training (ISET) Program. The initial investment in the ISET program assists the First Nations Labour Market in the immediate term. However, it is



essential to continue advocating for further support to meet the needs of the First Nations workforce as determined by First Nations. To do so, an effort is required to monitor and evaluate the ongoing impact of the pandemic on the First Nations Labour Market.

In addition to COVID-19 considerations, other efforts require determining research to identify First Nations Labour Market needs and the path forward to transfer First Nations jurisdiction and governance over Labour Market services for First Nations. First Nations leaders, in partnership with Canada, are seeking to improve socio-economic outcomes for First Nations, and a key component of this depends on the inputs, activities, outcomes, and overall Performance Measurement strategy of the First Nations Labour Market Strategy.

AFN's recent advocacy

Resolution 25/18, *Next Steps on a Distinct First Nations Labour Market Strategy*, directed the CCHRD to call on the Government of Canada to work with First Nations on a new approach for human capital development centred on a government-to-government relationship that recognizes First Nations jurisdiction and authority to govern and provide services.

The Government of Canada has acknowledged the importance of a distinctions-based approach that recognizes the unique needs of First Nations. ESDC launched the Indigenous Skills and Employment Training (ISET) Program on April 1, 2019, which included a distinct First Nations Labour Market stream. The CCHRD

communicated to the Minister of Employment, Workforce Development and Labour that the long-term investments (10 years) realized in Budget 2018 were a good starting point and relief on the freeze on investments in place since 1999. The CCHRD and the Minister agreed that work to support additional indexed investments for governance capacity and new fiscal instruments that respond to inflation and population growth will need to be completed.

First Nations leadership has made progress on establishing a Distinct First Nations Labour Market Strategy within the ISET program, starting in 2019-2020. This includes investments of \$1.1 billion over 5 years, 10-year agreements for longer-term planning, a small increase in funding, and opportunities to improve the strategy through an evergreen approach.

Next Steps

The AFN, with advice from the CCHRD and the Technical Working Group (TWG), is planning to co-develop a work plan focused on new agreement implementation, performance measurement, capacity building assessment and monitoring, enhancement for labour market information and research to undertake the effects of inflation and population growth, and ongoing pandemic recovery in time for the next First Nations Labour Market Strategy budget cycle in 2023. These efforts will also include advocating for First Nations to access new investments related to the overall economic recovery efforts due to the COVID-19 pandemic. All this work will support First Nations' rights to improved



economic and social situations and promote access to greater economic independence for First Nations.

Advocacy efforts carried out by the AFN, the CCHRD and the Technical Working Group will include seeking ongoing investments and additional support for training and employment, including youth employment and will ensure priorities outlined in the 2021 Speech from the Throne and Minister's Mandate Letter are upheld and acted upon.

In March 2022, ESDC returned to Treasury Board with an update on the co-developed Performance Measurement Strategy. The Sub-Technical Working Group on Human Resource Development provided feedback on the need to include qualitative data and data driven by agreement holders. The success stories of the ISET program cannot solely be told through quantitative data, and a mechanism needs to be implemented to allow for ISET holders to share their stories. Feedback also addressed funding shortfalls due to population increases, rising cost of living, and inflation.

Affirmed by Resolution 25/18, the CCHRD will continue to call upon the Government of Canada to work with First Nations on implementing a new approach for human capital development centred on a government-to-government relationship that recognizes First Nations jurisdiction and authority to govern and provide services.

First Nations Languages Funding Model

History

The Assembly of First Nations (AFN) advocates to establish long-term, sustainable, consistent, and appropriate approaches to support First Nations in their effort to recover, reclaim, maintain, and normalize First Nations languages through the implementation of the *Indigenous Languages Act*.


Assembly of First Nations Resolution 10/2021, *Support for the Co-development of a Distinctions-Based Indigenous Languages Funding Model*, and Resolution 17/2022, *Support for the First Nations Languages Funding Model*, directs the AFN, the Technical Committee on Languages (TCOL) and the Chiefs' Committee on Languages (CCOL) to work on the development and implementation of a First Nations Languages Funding Model, that includes an agreed-upon process to ensure an equitable and sustainable distribution of funds across the regions.

The Department of Canadian Heritage (DCH) Regional Allocation Formula for the Indigenous Languages Component (ILC) was developed without input from First Nations. First Nations-in-Assembly ratified the interim First Nations Languages Funding Model through Resolution 17/2022, *Support for the First Nations Languages Funding Model*. The Model included weightings for new factors to be included in the allocation formula that the TCOL, CCOL, and First Nations-in-Assembly broadly supported. The



Funding Model was included in a Treasury Board Submission to unlock Budget 2019 ongoing funding. As a result, approximately \$52.6M in ongoing annual funding for First Nations was unlocked and became available starting in 2023-24.

AFN's recent advocacy



Over the past year, the AFN has been working with the TCOL, CCOL, and DCH on implementing an interim First Nations Languages Funding Model, which includes revising the First Nations Regional Allocation Formula for the ILC funding. This fiscal year, DCH has unilaterally decided to continue to apply the status quo (base of \$300K plus the number of languages) Regional Allocation Formula on the ILC funding over the next five years. As a result, the AFN Languages and Learning Sector has continued to work with the regions to determine preferred approaches, including factor weighting, if additional funding is accessed for languages. At a meeting held on October 5, 2023, the CCOL passed a recommendation that directs the members of the TCOL to work with their regions to develop proposed weightings for a revised Regional Allocation Formula until March 2024. Regional committee members will come together following these discussions to determine a commonly agreed upon approach, including the weights of the five factors—number of languages, population, language vitality, number of First Nations, and remoteness—to be included in a resolution for the 2024 Annual General Assembly. If any new financial commitments from the Government of Canada become available, this work will ensure that First Nations collectively make the decision about

the Regional Allocation Formula and how ILC funds flow to their regions.

The AFN continues to prioritize budget advocacy as additional funding is required to ensure the success of the implementation of the interim First Nations Languages Funding Model and the Indigenous Languages Act (ILA).

The AFN identified over \$3.8 billion for adequate, sustainable, and long-term funding for First Nations language revitalization needs over the next five years in the 2024 AFN Pre-Budget Submission (PBS). In addition, official correspondence has been sent to the Minister of Finance, referencing the drop in DCH's ILC funding by over \$65 million in 2024-25. This funding shortfall is concerning for First Nations across Canada, while current demand in the program is nearly double the available funds.

The AFN also requested the immediate provision of \$18 million to help provide greater equitability in allocating insufficient funding to regions in the 2023-24 fiscal year. In support of the implementation of the interim First Nations Languages Funding Model, the AFN also completed *Revitalizing First Nations Languages: A Costing Analysis*. This report identified the costs for revitalizing First Nations languages and was used to inform part of the AFN's 2023 PBS and the Treasury Board Submission to unlock ongoing language funding. While Budget 2023 did not provide any new funding for language revitalization, the AFN will continue to use these estimates in advocacy efforts for increased language funding.

Next Steps

The AFN will continue to advocate for greater investment to support language revitalization outside of schools. As work on the Regional Allocation Formula continues, the AFN will support regions at their request to advance this work. This advocacy will facilitate the development and implementation of a First Nations-supported regional allocation formula that ensures equitability in funding allocation for languages across all regions and signals First Nations control over funding decisions.

International Decade of Indigenous Languages

History

The Assembly of First Nations (AFN) Resolution 46/2018, *United Nations International Decade of Indigenous Languages*, called upon the General Assembly of the United Nations (UN) to make a timely declaration of an International Decade of Indigenous Languages (IDIL). AFN Resolution 16/2021, *Support for the United Nations International Decade of Indigenous Languages (2022-32)*, directs the AFN, Technical Committee on Languages (TCOL), and the Chiefs' Committee on Languages (CCOL) to broadly support activities of the IDIL for the benefit of First Nations languages. AFN Resolution 10/2023, *Support for the First Nations National Action Plan for the United Nations International Decade of Indigenous Languages (2022-32)*, affirms the First Nations National Action Plan as a foundational step for First Nations

languages. In addition, Resolution 10/2023 ensures that activities to reclaim, revitalize, and strengthen languages, including First Nations sign languages, will extend beyond the IDIL. These resolutions provide direction and a mandate on current priorities for the AFN.

AFN recent advocacy

Over the past year, one of the priorities of the AFN has been working with the TCOL, CCOL, and First Nations on finalizing the First Nations National Action Plan for the IDIL. Over the past decade, the AFN has held many engagement sessions on the development of the *Indigenous Languages Act*, the interim First Nations Languages Funding Model, and the creation of the Office of the Commissioner of Indigenous Languages. Many First Nations have stated there has been enough engagement, and it is time to act..

The AFN developed the First Nations National Action Plan based on what was heard at past engagement sessions. The draft First Nations National Action Plan was brought to the 2022 AFN Languages Forum *New Horizons: Celebrating First Nations Languages* in Dartmouth, Nova Scotia. The AFN, TCOL, CCOL and First Nations from across Canada reviewed the draft First Nations National Action Plan and provided their final input. The First Nations National Action Plan was ratified at the April 2023 Special Chiefs Assembly.

Budget advocacy is another priority, and additional funding is required to ensure First Nations across Canada can initiate and participate in IDIL activities. In the 2024



Pre-Budget Submission, the AFN requested \$106.6 million over the next five years for IDIL funding from the Department of Canadian Heritage (DCH) and Global Affairs Canada (GAC). The IDIL funding will support language revitalization activities related to the IDIL.

Next Steps

The AFN will continue to advocate for additional IDIL funding to support community-based language revitalization activities. To further advance this work, the AFN will develop an implementation plan for the First Nations National Action Plan and work with First Nations across Canada to implement IDIL initiatives in their communities.

The AFN will continue to promote the importance of revitalizing First Nations languages in Canada and internationally. The AFN is working with the TCOL and CCOL to nominate a First Nations language revitalization champion to represent the AFN on the United Nations Educational, Scientific and Cultural Organization (UNESCO)'s Global Task Force for Making a Decade of Action for Indigenous Languages. The Global Task Force ensures equitable participation of all stakeholders in the IDIL and provides guidance on the preparation, planning, implementation, and monitoring of activities in line with the Global Action Plan for the IDIL.

Homelessness

History

In 2019, First Nations-in-Assembly passed Resolution 79/2019, *Action Plan for First Nations Homelessness On- and Off-Reserve*, mandating the AFN to develop a National First Nations Homelessness Action Plan (Action Plan) to improve the delivery of federal government programs as well as the related social and fiscal mechanisms to address homelessness for First Nations.

The Action Plan will advocate for a comprehensive, multi-partner approach to reducing, preventing, and ending First Nations homelessness. This work aligns with the AFN's National First Nations Housing and Related Infrastructure Strategy and the goal of transitioning First Nations housing and related infrastructure to First Nations management, control, and care.

AFN's recent advocacy

A draft of the Action Plan has been developed, reflecting the outcomes of comprehensive research, and several regional engagements with First Nations leadership and staff, service providers and community members. Most recently, the AFN held a national hybrid dialogue session in September 2023 seeking input on a preliminary draft of the Action Plan. The draft Action Plan is slated for discussion and approval by First Nations-in-Assembly at the December 2023 Special Chiefs Assembly.

AFN and Infrastructure Canada (INFC) hold regular meetings as a Joint Technical Working



Group (JTWG) to guide the development of homelessness initiatives, including the processes required to allocate First Nations distinctions-based funding under *Reaching Home*. The JTWG has recommended a regional model to address the distinct needs and priorities of First Nations across the country, and to enable maximum flexibility for these resources to be administered through processes as determined by First Nations in each region.

Several regions are in the process of working with INFC to develop agreements to deliver this funding. The AFN continues to stress the inadequacy of this funding relative to the need, particularly given the persistent lack of dedicated funding for First Nations to address homelessness impacting their citizens on- and off-community.

Next Steps

The draft Action Plan will be presented for consideration at the AFN Special Chiefs Assembly in December 2023 for approval by First Nations-in-Assembly. Once approved, the Action Plan will renew the AFN's mandate to address First Nations homelessness and provide a detailed roadmap for advocacy and action, along with supporting recommendations aimed at government and service providers. Next steps will include developing an implementation plan, seeking resources to support First Nations in implementing specific actions, and developing advocacy campaigns.

The AFN will continue to advocate for immediate and urgent action, recognizing that long-term funding and policy reform fall

short of addressing the immediate needs of First Nations citizens currently experiencing homelessness. To that end, AFN continues to hold discussions with INFC, the Canada Mortgage and Housing Corporation (CMHC), and Indigenous Services Canada (ISC) on potential sources of funding to help First Nations address urgent and immediate needs facing their citizens. This includes discussions on how federal funding related to the Urban, Rural and Northern Indigenous Housing Strategy could be targeted to support First Nations citizens experiencing homelessness, under the direct control of First Nations.

To help address knowledge and data gaps on homelessness within First Nations communities, the AFN is developing a methodology to support First Nations in gathering their own data on homelessness, in line with the First Nations Principles of OCAP® (Ownership, Control, Access and Possession). A draft of this methodology has been completed, and next steps include engaging with First Nations on how to implement it, and identifying the resources required to do so.

Finally, the AFN has completed preliminary research aimed at identifying the government investments required to end homelessness for First Nations. This research will inform AFN's ongoing advocacy, including its pre-budget submissions to the federal government.


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Income Assistance

History



The On-Reserve Income Assistance (IA) Program is funded by Indigenous Services Canada (ISC) and provides income assistance to eligible persons living on-reserve and in the Yukon to help meet basic needs. The IA Program's rates for First Nations mirrors those of the province or territory, which fails to account for the higher cost of living and unique circumstances in First Nations, particularly for rural, remote, and northern communities. The IA Program also offers Case Management and Pre-Employment Supports in some First Nations, which support individuals to move from income assistance to education and employment. Despite receiving strong positive feedback, these supports are only available in approximately 29% of First Nations outside of Ontario.

AFN's recent advocacy

For over a decade, the Assembly of First Nations (AFN) has advocated to ISC to extend funding to reform the IA Program and for extended funding and expanded access to Case Management and Pre-employment Supports. From 2018 to 2020, ISC funded First Nations-led engagements on the IA Program that identified several aspects of the program that do not meet the needs of First Nations clients, case managers, and communities. This included issues with rates that fail to meet client needs, insufficient resourcing to administer the program and supports, and failure to incorporate First

Nations knowledge and governance over the IA Program.

The AFN co-developed policy recommendations to reform the IA Program with ISC and the Technical Working Group on Social Development (TWGSD), ensuring that reform leverages the First Nations-led engagements. First Nations-in-Assembly supported the policy recommendations via Resolution 07/2022, *Reform of the On-Reserve Income Assistance Program*. The recommendations included themes of First Nations governance, increased IA rates that account for the actual cost of living on-reserve, strengthening wrap-around supports, increased resources and resourcing to support administration and case managers, First Nations-designed data strategies and collection, and infrastructure investments. ISC used the co-developed policy recommendations to inform their Memorandum to Cabinet in early 2023. In May 2023, the AFN was notified that Cabinet supported the First Nations-developed policy recommendations; however, Budget 2023 did not include financial investments for implementation nor implementation of First Nations-developed policy recommendations remaining outstanding.

The 2022 Fall Economic Statement invested \$309 million in 2023-24 for the IA Program to continue providing status quo services to First Nations while reform continues. Further, in April 2023, the Government of Canada announced \$192.6 million to provide an inflation relief benefit of approximately \$300 per month per IA client for six months. In October 2023, ISC confirmed the continuation of the inflation relief benefit for an additional two months. The AFN will

continue to advocate for long-term inflation relief until the IA Program rates are reflective of the cost of living on-reserve.

Next Steps

The AFN remains committed to reforming the IA Program through a First Nations-led approach that shifts First Nations from surviving to thriving. The next steps for the AFN and the TWGSD on IA Program reform involve costing the reformed IA Program using the First Nations-developed policy recommendations, including a First Nations needs-based funding model, social safety net, and recommendations for building First Nations capacity for self-determination and data sovereignty.

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

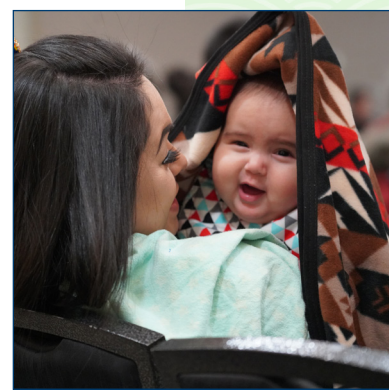
Jordan's Principle

History

In 2007, the Assembly of First Nations (AFN) and the First Nations Child and Family Caring Society filed a complaint at the Canadian Human Rights Tribunal (CHRT), alleging discrimination against First Nations children and families in the delivery and underfunding of the First Nations Child and Family Services (FNCFS) Program and narrow application of Jordan's Principle. In January 2016, the CHRT upheld the complaint and ordered the government to immediately reform the FNCFS Program and properly implement Jordan's Principle.

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

On June 30, 2022, the AFN reached a Final Settlement Agreement (FSA) on compensation for First Nations children and their caregivers affected by discrimination under the FNCFS Program and Jordan's Principle. In September 2022, the AFN sought the CHRT's endorsement of the FSA on compensation; however, the CHRT noted





that while the FSA substantially satisfied its 2019 compensation orders, more work was required. At the 2022 Special Chiefs' Assembly, First Nations-in-Assembly passed AFN Resolution 28/2022, *Final Settlement Agreement on Compensation for First Nations Children and Families*, establishing First Nations' priorities for compensation, including supporting the representative plaintiffs and all survivors and victims of discrimination to receive their compensation. Pursuant to negotiations in early 2023, the AFN and other parties reached a revised FSA valued at more than \$23.3 billion, which the First Nations-in-Assembly approved in April 2023 via AFN Resolution 04/2023, *Revised Final Settlement Agreement on Compensation for First Nations Children and Families*.

The AFN has also led work to advance First Nations rights and jurisdiction over child and family well-being. In 2018, the First Nations-in-Assembly passed AFN Resolution 11/2018, *Federal Legislation on First Nations Child Welfare Jurisdiction*, supporting federal-enabling legislation on First Nations child and family well-being. The co-developed legislation, *An Act respecting First Nations, Inuit and Métis Children, Youth and Families*, received Royal Assent on June 21, 2019, and came into force on January 1, 2020. The Act affirms First Nations' inherent rights to self-determination and jurisdiction and establishes national principles for child and family well-being, including the best interests of the child, cultural continuity, and substantive equality.

Jordan's Principle is named in honour of Jordan River Anderson, a First Nations child from Norway House Cree Nation who spent his entire life and passed away in hospital

because the governments of Canada and Manitoba could not agree on who would pay for his home-based care. Jordan's Principle ensures First Nations children have access to the supports they need to thrive, regardless of where they live, without denial, delay, or disruption. Between July 2016 and August 2023, Jordan's Principle has approved over 3.55 million products, services, and supports for First Nations children.

AFN's recent advocacy

The AFN advocates for the full and proper implementation of Jordan's Principle and for First Nations to determine and advance their priorities for Jordan's Principle. The AFN's advocacy led to an investment of \$4 billion over six years in Budget 2022 for the continued implementation of Jordan's Principle. Additionally, the AFN's 2024 Pre-Budget Submission calls for \$2.485 billion over five years to fund post-majority supports for First Nations youth aging out of Jordan's Principle coverage.

Central to reform of the FNCFS Program is changing how the Program is funded to address the discriminatory shortfalls. Under the direction of the AFN, the Institute of Fiscal Studies and Democracy (IFSD) has developed a needs-based, bottom-up, and results-based funding model for the FNCFS Program. The IFSD is working with First Nations to test the proposed funding model, including those asserting jurisdiction under the Act, with results anticipated in early 2024.

As per Resolution 40/2022, *To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordans Principle*, the

AFN advocates for reforms that are evidence-based, respect First Nations rights and substantive equality, and ensures the best interests of the children. The AFN also works to ensure that appropriate services reflecting the distinct needs and circumstances of First Nations are prioritized.

The Resolution calls for timelines to reach an FSA on long-term reform that allow for engagement to guarantee that First Nations rights to free, prior and informed consent (FPIC) are respected. In response, the AFN and the Caring Society proposed new negotiation timelines that align with IFSD's research and uphold First Nations rights to FPIC. The AFN and Caring Society provided this proposal to Canada in March 2023 and waited seven months for Canada's response. Negotiations on long-term reform are expected to continue into 2024.

In July 2023, the AFN sought and received the CHRT's approval of the FSA on compensation. On October 24, 2023, the AFN and other parties received approval of the FSA on compensation from the Federal Court of Canada. This milestone is a step forward to compensate First Nations children and families harmed by the discriminatory practices in the FNCFS Program and the narrow application of Jordan's Principle.

In September 2021, the Government of Quebec challenged the constitutionality of the *Act respecting First Nations, Inuit and Métis Children, Youth and Families* in the Quebec Court of Appeal. In February 2022, the Quebec Courts upheld much of the Act but struck sections 21 and 22.3, which give First Nations CFS laws the "force of federal


law." The federal government appealed the decision at the Supreme Court of Canada, where the AFN participated as an intervenor. In December 2022, the AFN defended the Act and First Nations rights to self-determination and jurisdiction over their children and families, arguing that First Nations have always had the inherent right to self-government. The Supreme Court is expected to render a decision on this matter before the end of 2023.

Next Steps

The AFN continues to advocate for First Nations children and families in negotiations on the long-term reform of FNCFS and implementation of Jordan's Principle, guided by First Nations-led research, engagement and relevant CHRT orders. The AFN continues to co-chair the Expert Advisory Committee to reform Indigenous Services Canada to prevent the recurrence of discrimination within the department.

The parties are developing a distribution protocol for compensation, that will determine the compensation process for claimants. The parties will seek First Nations feedback on the distribution protocol before taking it to be approved by the Federal Court of Canada before compensation can begin. The AFN will continue to ensure the compensation process is trauma-informed with a simple application process supported by wellness services. The AFN has established an information line for First Nations to learn about compensation and long-term reform. Supports can be reached at 1-888-718-6496.





The AFN continues to advocate for the full and proper implementation of the *Act respecting First Nations, Inuit and Métis Children, Youth and Families*. To support this advocacy, the AFN has contracted the Indigenous owned Firelight Group to complete research on First Nations' priorities for the Act and develop tools to support First Nations in asserting jurisdiction.

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Chiefs' Committee on Charter Renewal (CCOCR)

History

The Chiefs' Committee on Charter Renewal (CCOCR) was established by Resolution 05/2017, Chiefs Committee on AFN Charter Renewal, with a mandate to consult with First Nations about the structure of the Assembly of First Nations (AFN) and assist their work in developing viable options on AFN restructuring.

In July 2022, alongside allegations of corruption and financial impropriety within the AFN, the CCoCR was mandated to make recommendations regarding the scope and nature of a forensic audit of AFN finances, not limited in time to anything less than ten years, as per Resolution 03/2022, Investigation and Audit of AFN's Financial and Management Policies.

In July 2023, the CCoCR was directed to implement aspects of AFN Resolution

43/2023, Review of the Past Ten Years of the Assembly of First Nations/National Indian Brotherhood Audits. This mandate established that a forensic audit may not be warranted, based on the available facts. Instead, the CCoCR would provide recommendations on the nature and scope of an independent audit to support a determination on the need for further investigation, such as a forensic audit. The CCoCR would then provide a recommendation to First Nations-in-Assembly as soon as possible.

Also, in July 2023, First Nations-in-Assembly passed Resolution 35/2023, Approval of Consultation and Engagement on AFN Charter 2.0 – Consultative Draft. This Resolution directs the AFN to seek adequate resources for the CCoCR to facilitate engagements on a renewed AFN Charter. The engagements were to "commence forthwith and end prior to the December Special Chiefs Assembly."

Over the past year, the CCoCR has seen significant changes in the membership. Following the July 2023 Annual General Assembly, Newfoundland Regional Chief Brendan Mitchell was appointed as the new CCoCR chair. The immediate priorities included identifying regional representatives to fill several CCoCR vacancies and holding committee meetings to establish a consensus on, and accelerate, the implementation of Resolution 43/2023.

Recent Activity

The CCoCR has decided to prioritize its mandate on the review of the AFN finances and will return to its mandate to renew the AFN Charter once Resolution 43/2023 has

been resolved. The AFN has not yet secured the funds to undertake charter renewal engagements, and the CCoCR has decided to temporarily postpone further recommendations on changes to the AFN Charter until after the AFN Special Chiefs Assembly (SCA). The start date for this work is yet to be determined.

In September 2023, the AFN and the CCoCR developed a work plan to implement aspects of Resolution 43/2023. In October 2023, the CCoCR passed a motion to approve the work plan and to establish a sub-committee to oversee its implementation. Members of the sub-committee include Chief Dylan Whiteduck (chair), Georges Erasmus, and Chief Matt Pasco. The plan includes retaining the services of an independent contractor to undertake a preliminary audit of AFN finances.

Also, in October 2023, the AFN issued a Request for Proposals (RFP), where the successful proponent would:

- Receive allegations and/or probable evidence of financial impropriety at the AFN from all sources through a call out for submissions.
- Conduct a review of any allegations or evidence, alongside relevant financial transactions and policies.
- Review financial policies and practices in place at the AFN over the period from July 2013 to July 2023, and provide recommendations for improvements.

BDO Group Canada was selected for this role. The AFN and CCoCR sub-committee met with BDO Group Canada throughout November 2023 to discuss the scope, timelines, and expectations for a two-stage plan for undertaking the investigation.

Next Steps

The CCoCR and BDO Group Canada have just agreed to a plan to undertake a preliminary investigation and work is now underway. This Stage 1 is focused on interviews, gathering allegations and evidence, and assessing their plausibility. Based on what is gathered, BDO Group Canada will:

- Prioritize any items which may require further investigation
- Provide an assessment of whether further investigation (Stage 2) is warranted
- Provide a proposed work plan for Stage 2, and its estimated cost.

A report on Stage 1 will be finalized by the end of January 2024. The CCoCR and AFN will then determine whether to enter into an agreement with BDO Group Canada to undertake Stage 2 for which the costs, time and human resource requirements could be substantive. If a Stage 2 investigation is undertaken, the CCoCR will provide a progress report at the July 2024 Annual General Assembly.

Additionally, to support the work of the CCoCR more broadly, members will seek to fill ongoing vacancies for Manitoba, Saskatchewan, and Alberta. There is also a need for alternates from Ontario, Nova Scotia, Newfoundland, Prince Edward Island, New Brunswick, and Québec.

Finally, the AFN will continue to advocate for enhanced funding to support First Nations priorities, as well as funding for the CCoCR to ensure that important and overdue consultations on AFN Charter renewal can resume.





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