



45th Annual General Assembly

Strengthening Our Relations

July 9-11, 2024

ISSUE UPDATE





Assembly of First Nations

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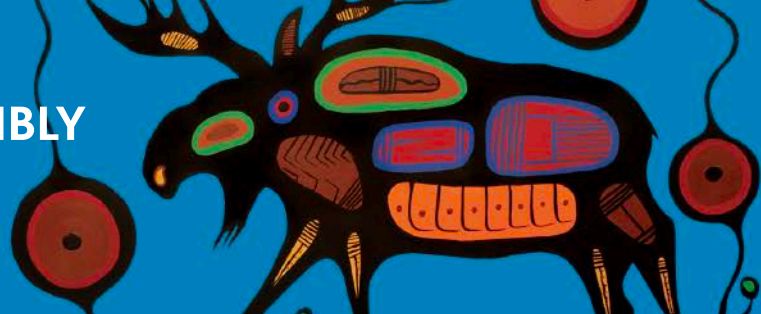


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Infrastructure and Clean Drinking Water

History

Canada has long faced a significant and widening infrastructure gap in First Nations, compounded by escalating construction costs that are placing essential projects at risk. This gap requires urgent action to address housing crises and invest in critical infrastructure in First Nations. Additionally, the impact of climate change on remote First Nations highlights the need for sustainable funding to better build climate resilience into future infrastructure developments.

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

Water and Wastewater Legislation – Bill C-61: An Act respecting water, source water, drinking water, wastewater and related infrastructure on First Nation lands (Short Title: First Nations Clean Water Act)

The 2013 Safe Drinking Water for First Nations Act (SDWFNA) faced extensive criticism from First Nations and was formally opposed through numerous AFN resolutions. Following the advocacy by the AFN, and under the terms of the National Class Action Settlement Agreement, the SDWFNA was repealed in June 2022. Canada was required to enact replacement legislation in consultation with First Nations by December 31, 2022. However, 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 has been gathering feedback from First Nations across all regions on key elements of the proposed legislation. The Bill entered its second reading in the House of Commons on February 5, 2024, and is currently in progress.

Closing the Infrastructure Gap by 2030

The AFN continues to advocate for urgent federal investments needed for critical infrastructure and the creation of First Nations-led policies and solutions to address access to clean drinking water and adequate community infrastructure services. The AFN has released two “Closing the Infrastructure Gap by 2030” reports. The first report is a comprehensive costing of the current estimated amount for the Government of Canada to close the infrastructure gap in First Nations by 2030. The second report projects the growth of the gap by the year 2040 if the Government of Canada fails to meet its commitments.

AFN's recent advocacy

Bill C-61: An Act respecting water, source water, drinking water, wastewater and related infrastructure on First Nation lands (Short Title: First Nations Clean Water Act)

As of February 5, 2024, the bill has progressed to its second reading in the House of Commons.



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Relatedly, for water and wastewater priorities, the AFN successfully hosted gatherings including:

- AFN Youth Safe Drinking Water Summit in August 2023, in Quebec City, Quebec, where a Youth Vision Statement was co-developed with First Nations youth.
- AFN 4th Annual Virtual Water Summit in November 2023.
- AFN 7th Annual Water Symposium and Operators Forum in 2024, in Gatineau, Quebec.

Closing the Infrastructure Gap by 2030 Report

Closing the infrastructure gap continues to be a key pillar of the AFN's advocacy, as ensuring First Nations equality in housing and community infrastructure is critical for achieving significant improvements in education, health, and economic well-being. On April 15, 2024, the AFN launched the report "Closing the Infrastructure Gap by 2030". This report highlights the estimated cost of \$349.2 billion required to meet First Nations infrastructure needs.

Other initiatives that AFN has undertaken to advance First Nation infrastructure include:

- Collaborated with ISC through the Joint Technical Working Group on ISC's Tendering Policy, resulting in several key changes to create more opportunities and flexibility for First Nations in tendering processes. These changes included new evaluation criteria, implementation of alternative bids, contract security measures, and adjusted dollar value thresholds for general contracting, construction management, sole-source contracts, and professional services.

Next Steps

Bill C-61: An Act respecting water, source water, drinking water, wastewater and related infrastructure on First Nation lands (Short Title: First Nations Clean Water Act)

The AFN will continue to monitor and analyze risks related to the ongoing legislative process. The AFN will provide First Nations with information and resources, such as plain languages summaries of the legislation, to support their advocacy for safe drinking water.

Closing the Infrastructure Gap by 2030 Report

The AFN will continue to inform both the public and private sectors on the costs and benefits of closing the infrastructure gap in First Nations through the distribution of the closing the gap reports and a comprehensive communication strategy. The AFN continues to advocate for the Government of Canada to act on its commitments to First Nations to make significant and immediate investments to Close the Infrastructure Gap by 2030. For more information, please visit: <https://afn.ca/closing-the-infrastructure-gap/>



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Operations and Maintenance (O&M) Policy Reform

The current O&M Policy for funded assets on First Nations is outdated and does not adequately address asset repair and maintenance costs. A review of its level of service standards is needed. Funding reform of First Nation Infrastructure Assets remains a priority.

Asset Management Planning (AMP)

The AFN is working towards developing a First Nations-led Asset Management Planning (AMP) approach, building on the commitments and outcomes of the 2023 AFN National Asset Management Conference. This work aims to enhance our awareness and knowledge of asset management and the role that AMP plays in decision-making for asset funding. The AFN is currently working on two Pilot Projects that span from 2023 to 2026.

First Nations Fire Protection Strategy

The AFN, ISC, and the First Nations Emergency Services Society have completed the First Nations Fire Protection Strategy (2023-2028). Released in 2023, the strategy aims to enhance fire safety on reserves, reduce casualties, and protect infrastructure, outlining priorities and goals, that require continued or increased attention and resources. For more information, please visit: [First Nations Fire Protection Strategy](#)

Federal Tendering Policies

The AFN is working to update 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.

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Bill C-61: An Act respecting water, source water, wastewater and related infrastructure on First Nation lands (First Nations Clean Water Act)

History

Since the *Safe Drinking Water for First Nations Act* (SDWFNA) was passed in 2013, First Nations across the country extensively criticized the Act for imposing unjust liability on First Nations without providing proper resources, and for granting sweeping enforcement, legislative, and judicial powers to the Crown.

Since 2013, the Assembly of First Nations (AFN) has been mandated through a series of resolutions by First Nations-in-Assembly to advocate for the repeal and replacement of this Act. Starting in 2019, the AFN coordinated regional engagements across Canada. In June 2022, SDWFNA was repealed, following the advocacy of the AFN. The 2021 National Class Action Settlement significantly expedited the work of developing new legislation. As directed by Resolution 23/2022, *Re-Commitment to Co-Development of Replacement Legislation for Safe Drinking Water for First Nations*, at the urging of the AFN, the Minister of Indigenous Services Canada (ISC) worked closely with her colleagues to advance the updated consultative draft that incorporates right-holders' priorities.

AFN's recent advocacy

Since September 2022, the AFN has been working with Canada to co-develop draft legislation to replace the SDWFNA. As a result of sustained advocacy by the AFN and First Nations, ISC Minister Patty Hajdu included critical requirements identified by First Nations-in-Assembly through Resolution 23/2022, in fall 2023.

On December 11, 2023, Ontario Regional Chief Glen Hare attended the press conference announcing the tabling of the Bill C-61: *An Act respecting water, source water, wastewater and related infrastructure on First Nation lands* (Short Title: First Nations Clean Water Act). The proposed legislation is currently in the parliamentary legislative process and does address the critical requirements that are the necessary minimum for successful First Nations water and wastewater legislation, including the 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.

Next Steps

The AFN will intervene throughout the legislative process to ensure no changes are made that diminish the direction from the First Nations-in-Assembly.

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Economic Development

History

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

The AFN works to ensure First Nations are free to pursue economic, social, and cultural development consistent with the priorities that they set for themselves. The focus is on supporting sustainable economic development through trade, natural resource development, procurement, agriculture, connectivity, and various economic policy matters mandated by the First Nations-in-Assembly.

AFN's Recent Advocacy

Cannabis

The AFN participated in the Cannabis Act legislative review to support First Nations considerations, engagement, and dialogue in relation to Cannabis. The AFN developed a legal analysis and scoping paper on cannabis to support First Nations interests related to health, as well as economic priorities that included jurisdiction, taxation, revenue sharing, businesses, regulations, and licensing.

Connectivity

The Government of Canada has committed to connecting 100 percent of Canadians to high-speed internet by 2030, but at this moment many First Nations lack this infrastructure. The AFN released the "*Closing the Infrastructure Gap by 2030*" costing report that identifies a capital investment gap of \$5.2 billion to connect First Nations to high-speed internet and cellular. The AFN continues to call for a moratorium to be placed on spectrum licensing in regions/areas affecting First Nations. The moratorium would be in place until meaningful consultation takes place with First Nations on licensing processes consistent with the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP).

Gaming

The AFN is identifying capacity supports to implement **Resolution 18/2022 Support for Criminal Code Amendments Regarding Gaming Jurisdiction**. The resolution states that the *Criminal Code of Canada* prevents First Nations from entering the gaming sector unless they have a license from a province in 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 effect to specific amendments to the *Criminal Code of Canada*.



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Labour Market

The AFN has provided reviews of the *Pay Equity Act* and the *Employment Equity Act* to inform the Employment Equity Act Review Task Force. This Task Force is led by Employment and Social Development Canada (ESDC) established specifically for reviewing the *Employment Equity Act*, whose purposes include removing systemic barriers faced by Indigenous Peoples. The AFN also provided input to the Indigenous Skills, Employment & Training Program (ISETP). The AFN engaged ISETP agreement holders and hosted a National First Nations ISETP conference early in 2024.

Natural Resources

The AFN is working with Natural Resources Canada towards more fully involving First Nations at all levels of decision making. The AFN has participated in national engagement sessions on the National Benefits Sharing Framework and the Indigenous Loan Guarantee Program and continues to advocate for First Nations interests and priorities to be addressed.

Procurement

The AFN continues to advocate for increased First Nations procurement opportunities, including through its participation on the First Nations Procurement Organization (FNPO) steering committee, which aims to grow Indigenous economies through enhanced public and private procurement. Federal departments and agencies are also working on meeting or exceeding the 5 percent Indigenous procurement target by the end of the fiscal year 2024-2025. The FNPO is coordinated by the National Aboriginal Corporations Association (NACCA) with other National Indigenous Economic Organizations. The FNPO steering committee has drafted a business plan and incorporation is underway.

Trade

The AFN is working on expanding trade-related economic opportunities and market access for First Nations goods and services internationally and between Nations. The AFN is monitoring the Indigenous Peoples Economic and Trade Agreement (IPECTA) and is in the process of appointing an AFN representative to its council. Other contexts where a priority is the development and inclusion of Indigenous-specific sections/chapters include:

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



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Next Steps

The AFN will continue to work on the wide range of mandates that have been put forward by the First Nations-in-Assembly regarding economic development and related areas. This includes advancing First Nations digital connectivity through First Nations-specific connectivity funding to support, among other things, program access and training opportunities for the ownership and control of the spectrum and wireless technologies. Additionally, the AFN will continue to advocate for the inclusion of an Indigenous Peoples chapter/section in relevant trade agreements to ensure that trade programs and processes include dedicated spaces for First Nations to advance their interests. The AFN will also work towards building its First Nations natural resources network with the goal of hosting a national conference focused on the sustainable development of First Nations natural resources. And, finally, the AFN will continue to advocate for the removal of barriers and the recognition of First Nations jurisdiction as regards Cannabis legislation, labour market access, and access to capital, and provide continued support for the various other economic reconciliation efforts based on direction from the First Nations-in-Assembly.

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Fisheries

History

The Assembly of First Nations (AFN) supports the National Fisheries Committee (NFC), which advises and supports the collective interests of First Nations in Canada on priorities related to fisheries, aquaculture, and oceans. The NFC is co-chaired by AFN Regional Chief Terry Teegee of British Columbia and AFN Regional Chief Andrea Paul of Nova Scotia. The NFC provides direction to the AFN on relevant mandates received through the First Nations-in-Assembly.

AFN's recent advocacy

Oceans Protection Plan

In 2016, the Government of Canada launched the Oceans Protection Plan (OPP), a \$1.5 billion interdepartmental strategy delivered by Transport Canada, Canadian Coast Guard, Fisheries and Oceans Canada, Environment and Climate Change Canada, and Natural Resources Canada. In 2022, the Government of Canada committed an additional \$2.0 billion over nine years to renew and expand the OPP.

First Nations have inherent rights to govern and manage ocean resources related to fisheries, navigation, energy, protection, monitoring, transportation, economics, and transboundary issues, including international law of the sea. While First Nations have inherent jurisdiction, their marine plans and role in marine safety were not respected and properly integrated in the rollout of the OPP.

As mandated by Resolution 52/2018, *First Nations Inclusion in Canada's Oceans Protection Plan*, the AFN is collaborating with Transport Canada and the Canadian Coast Guard to address needs for core and long-term capacity funding for First Nations under the OPP, and advocate for legislative, regulatory, policy, and program reform that respects First Nations inherent rights, Treaties, title and jurisdiction, and recognition of First Nations' everlasting responsibilities to their traditional territories.

With the guidance of the AFN's OPP Subcommittee, the AFN, along with Transport Canada and the Canadian Coast Guard, are assessing First Nations' participation and partnerships under the OPP. The AFN is currently conducting initial interviews and administering a widespread survey to hear from First Nations, First Nations organizations, and Government of Canada employees about their experiences. The AFN also collected information on First Nations' funding agreements and is currently collecting OPP program documentation. This information will be evaluated for alignment against a Best Practices Framework that the AFN has developed that includes criteria under the broad themes of:

- underlying principles,
- capacity,
- co-governance,
- co-design,
- co-development, and
- co-delivery.



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Inland Fisheries Framework

The AFN, in partnership with the Keewatinook Fishers of Lake Winnipeg, brought together over 90 inland fish harvesters, youth and Elders from communities on the shores of Lake Winnipeg and delegates from neighbouring provinces of Alberta and Saskatchewan to discuss and develop the elements of a Rights-based Inland Fisheries Framework within the context of the Natural Resources Transfer Acts (NRTA).

As directed by AFN Resolution 73/2023, *First Nation Rights-Based Inland Fisheries*, this three-day engagement was hosted at the Brokenhead First Nation Community Hall from November 21 to 23, 2023, in Scantebury, Manitoba. This engagement focused on, among other matters, traditional knowledge and traditional management practices, emergency management processes, stock assessment, regulation and enforcement, restoration and enhancement, funding streams, community-based fishery improvement plans, revenue sharing agreements, and quota and allocation guidance. This engagement also included a dedicated review of each of the Wave 3 policy area proposals from Fisheries and Oceans Canada (DFO) relating to fish and fish habitat.

The Rights-Based Inland Fisheries Engagement resulted in an engagement report, *Towards a First Nations Rights-Based Framework For Inland Fisheries*, which was presented to and accepted by the NFC in March 2024. The AFN's advocacy work also resulted in a technical response to DFO based on the comments and views expressed by participants at the Inland Fisheries Engagement with respect to the Wave 3 proposals. Finally, in specific regard to revenue sharing agreements, the AFN's advocacy resulted in conversations with DFO around the transformation and governance of the Freshwater Fish Marketing Corporation (FFMC). This may lead to an ownership and/or management transitions of the FFMC by affected and interested First Nations.

Next Steps

Oceans Protection Plan

Once survey results are received and analyzed, the AFN will conduct follow-up interviews to gain a more in-depth understanding of the various factors that promote or hinder First Nations' participation and partnerships. The AFN will draft a report to be shared with First Nations for their input through regional engagement sessions. Feedback received will be incorporated in the final report. Results of the assessment will further be used to monitor and improve First Nations' partnerships under the OPP moving forward.

Inland Fisheries Framework

Further thought is being given to the Inland Fisheries Framework's next step within the context of the Natural Resources Transfer Act and section 35 of the Constitution Act, 1982. Discussions with the Province of Manitoba are underway, and this will be explored in more detail through an upcoming Strategic Planning exercise with the National Fisheries Committee. This planning session will include other current fisheries mandates, as well as the National Action Plan Measures under the United Nations Declaration on the Rights of Indigenous Peoples Act for which DFO is specifically identified as the lead.

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First Nations Housing

History

The Assembly of First Nations (AFN), the Chiefs Committee on Housing and Infrastructure (CCOHI), and the regional First Nations housing technicians continue to collaborate with Indigenous Services Canada (ISC) and the Canada Mortgage and Housing Corporation (CMHC) to advance First Nations' housing priorities through the National First Nations Housing and Related Infrastructure Strategy (Strategy), as mandated by AFN Resolution 57/2018, *National First Nations Housing and Related Infrastructure Strategy*.

This involves creating a roadmap for First Nations to exercise jurisdiction over housing for their citizens, regardless of where they live. The AFN also continues to implement:

- AFN Resolution 66/2023, *Urban, Rural and Northern Indigenous Housing Funds Management in Breach of the UN Declaration*, regarding the federal strategy on urban, rural, and northern Indigenous housing.
- AFN Resolution 81/2019, *Dene Control of Housing in Northwest Territories* in support of the Dene's control of housing.
- AFN Resolution 32/2023, *Modify CMHC Tender Security Bond Requirements* to secure CMHC bonding.

AFN Recent Advocacy

The AFN has actively collaborated with Canada Mortgage and Housing Corporation (CMHC) and Indigenous Services Canada (ISC) to organize regional sessions and gather crucial feedback on the Urban, Rural, and Northern Indigenous (URN) housing strategy. This collaboration led to the creation of a shadow Memorandum to Cabinet that encapsulates First Nations' expectations for federal housing policy.

In January 2024, the federal government announced that a new pan-Indigenous National Indigenous Housing Centre would manage most of the \$4 billion allocated over seven years under the URN. This decision marks a significant development in the broader discourse on housing funding and governance.

The AFN continues to advocate for a distinctions-based, First Nations-exclusive funding model, ensuring First Nations have meaningful control over housing solutions. This approach aligns with the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) and existing AFN resolutions, fostering an environment that upholds First Nations' sovereignty and governance in housing.

The AFN also addresses the challenges First Nations construction companies face with CMHC's bonding requirements, advocating for policy revisions to ensure construction contracts are accessible to First Nations businesses.

The Auditor General's March 2019 report on Housing in First Nations Communities highlights federal shortcomings in improving First Nations housing and calls for a substantial policy shift towards reconciliation and self-determination. The AFN has influenced this report and is actively working with government partners, including ISC,



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CMHC, and Infrastructure Canada (INFC), to implement its recommendations. Through the Joint Technical Working Group, which includes AFN, ISC, CMHC, and regional technicians, efforts are ongoing to ensure First Nations care and control of housing.

Additionally, the AFN is advocating for the necessary \$135.1 billion investment to close the housing gap in First Nations. This initiative is part of a broader effort to advance First Nations jurisdictions and self-determination, ensuring that programs and services are culturally relevant and lead to improved socio-economic outcomes for First Nations.

Next Steps

The AFN will continue to advance a First Nations housing agenda by implementing resolutions and maintaining direct interactions between Chiefs and government officials from ISC, CMHC, and INFC. These discussions are vital for progress, and the AFN supports the National Chief, the Regional Chief responsible for housing, and other Chiefs to be prepared for strategic meetings with ministers.

The AFN is preparing for federal government decisions regarding the National Indigenous Housing Centre and the distribution of \$1 to \$1.5 billion for distinctions-based URN housing strategies. In anticipation, a national First Nations URN housing strategy is being developed for the December 2024 Special Chiefs Assembly that seeks to align federal policies with First Nations' visions of housing, based on inherent and Treaty rights.

In collaboration with the First Nations Market Housing Fund (FNMHF), CMHC, and other stakeholders, the AFN is working to transition control of the FNMHF to First Nations. With tentative plans to make recommendations to Cabinet by December 2024, a new resolution will be proposed at the July 2024 Annual General Assembly to update conditions for the FNMHF's transfer, replacing an outdated 2013 resolution.

Addressing the adequacy of federal funding to close the \$349.2 billion housing and infrastructure gap by 2030 is a priority. Recent announcements of several new mainstream housing programs underscore the urgency to ensure First Nations significantly influence federal housing policies. As Infrastructure Canada assumes the lead for mainstream housing policy development, the AFN is advocating for region-specific strategies that align with First Nations' needs, ensuring that investments meet the needs of First Nations citizens both on and off-reserve, consistent with the UN Declaration.

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Homelessness

History

Since the passage of Resolution 79/2019, *Action Plan for First Nations Homelessness On and Off-Reserve*, the Assembly of First Nations (AFN) has made significant progress in addressing homelessness among First Nations. Resolution 79/2019 mandated the AFN to develop a National Homelessness Action Plan aimed at improving the delivery and effectiveness of federal government programs and enhancing social and fiscal mechanisms to address homelessness. The work has been strategically aligned with the National First Nations Housing and Related Infrastructure Strategy, which seeks the transition of housing and related infrastructure to First Nations management, control, and care.

In 2023, following extensive community engagement and draft revisions, First Nations-in-Assembly approved the National First Nations Homelessness Action Plan through Resolution 75/2023, *Approval and Implementation of a National First Nations Homelessness Action Plan*. This plan encapsulates the original intent of Resolution 79/2019 and extends its mandate by envisioning First Nations' control over holistic and culturally safe housing services, ensuring that First Nations citizens can access supportive housing no matter where their citizens live. The plan emphasizes a multi-partner approach to reduce, prevent, and ultimately end homelessness, advocating for comprehensive and long-term solutions that respect and promote First Nations' jurisdiction over their housing and social service delivery.

AFN's Recent Advocacy

The AFN is working to implement the National First Nations Homelessness Action Plan. Advocacy includes working with Infrastructure Canada to support regionally-led approaches for administering First Nations distinctions-based homelessness funding under the Reaching Home program. The AFN continues to emphasize that current allocations are insufficient for the needs of First Nations.

Further, the AFN has developed a report estimating that between \$37 billion and \$46 billion is required over ten years to eradicate homelessness among First Nations, highlighting the substantial investments needed from all levels of government. Additionally, the Office of the Federal Housing Advocate (OFHA) has called for a National Encampment Response Plan to address the acute impact of homelessness for First Nations. This plan calls for significant First Nations involvement and new resource allocation to effectively tackle this pressing issue.



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Next Steps

The AFN is actively implementing the National First Nations Homelessness Action Plan with an immediate focus on supporting regions to secure agreements with Infrastructure Canada under the Reaching Home program.

Additionally, the AFN is progressing a research project that evaluates homelessness among First Nations Veterans, in accordance with the AFN First Nations Veterans Council's Letter of Understanding with Veterans Affairs Canada.

Additionally, a forum on homelessness and mental wellness is being planned jointly by the AFN Homelessness and Health Sectors. This is to foster a comprehensive policy dialogue and ensure a complete analysis on the deeply interrelated issues of housing, homelessness, mental wellness, and substance use. The AFN remains adamant that we must complement long-term infrastructure investments with meeting immediate homelessness needs and improving the services that ensure long-term sustainability and jurisdiction for First Nations in managing their housing and social services.

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ENVIRONMENT, LANDS, WATER BRANCH

Environment

History

In 2019, First Nations-in-Assembly passed Resolution 05/2019, *Declaring a First Nations Climate Emergency*. This resolution formally recognized a global climate emergency that brought about a fundamental shift in our approach to addressing this crisis. In the years following, the AFN continued its work to address what has become the dual crises of climate change and biodiversity loss. Our advocacy efforts focus on recognizing and respecting First Nations' inherent rights, title, jurisdiction, and self-determination, and positioning First Nations as leaders in climate and conservation action. The AFN continues to advance this work with the understanding that First Nations are critical drivers in balancing the relationship with and fulfilling our responsibilities to Mother Earth.

AFN's recent advocacy

The AFN receives its mandates from First Nations-in-Assembly with 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

The AFN National Climate Strategy, launched on October 18, 2023, contains seven priority areas, along with 107 strategies and actions. Currently, in Phase II, the Climate Strategy focuses on the development of an implementation plan with First Nations rights- and title-holders and guidance from the ACE. To this end, First Nations-in-Assembly passed Resolution 36/2023, *Urgent and Transformative Climate Action through the AFN National Climate Strategy*, which endorsed the AFN National Climate Strategy and reaffirmed the declaration of a First Nations Climate Emergency from Resolution 05/2019.

The Joint Committee on Climate Action (JCCA) continued its efforts to advance First Nations priorities and interests in various federal climate policy processes over the last six years. Recently, the JCCA wrapped up a 5-Year review of its progress. Details will be reflected in its 2023 Annual Report to the National Chief and Prime Minister, which is just being completed.

On the First Nations Climate Leadership Agenda (FNCLA) initiative, over 30 First Nations Regional Leads (Regional Leads) are in the process of hosting ongoing regional engagements to collect information, priorities, and recommendations to advance the FNCLA. Based on direction from the Regional Leads, the AFN is supporting the coordination of First Nations Caucus meetings and Regional Working Groups to advance drafting of the FNCLA. The FNCLA will be advanced as an annex to a forthcoming federal Memorandum to Cabinet (MC), to be submitted later this fall. The AFN has also been supporting the Regional Leads at the national level, through FNCLA Technical Steering Committee meetings and in preparation for the upcoming Leaders' Summit, planned for June 19, 2024, in Ottawa, Ontario. Work is ongoing, as Regional Leads advance their respective FNCLA engagements throughout the spring and summer.



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Finally, an AFN delegation will attend the 29th session of the Conference of the Parties (COP 29) of the UN Framework Convention on Climate Change (UNFCCC) in Baku, Azerbaijan, from November 11 to 22, 2024, as part of its advocacy with other Indigenous Peoples globally.

Conservation and Biodiversity

Building on work in preceding years, the AFN continued its advocacy to position First Nations as conservation leaders.

Canada's National Biodiversity Strategy and Action Plan (NBSAP) was developed following the adoption of the Kunming Montreal Global Biodiversity Framework (KMGBF) in December 2022. Through the KMGBF, Canada committed to a series of internationally negotiated goals and targets with the aim of halting and reversing biodiversity loss. To date, the AFN, with the guidance of the ACE, has made high level technical submissions to inform the overall drafting of the NBSAP with a particular focus on strengthening rights-based language and securing opportunities for First Nations' meaningful participation and leadership in the implementation of the NBSAP. Additionally, the AFN drafted a chapter to be included in the body of the NBSAP itself, as well as a more substantive First Nations Annex.

The AFN continues to participate in international forums, including the Convention on Biological Diversity (CBD). The AFN will send a delegation to attend COP 16, to be hosted in Cali, Columbia, from October 21 to November 1, 2024, where Canada will unveil its NBSAP.

Finally, in February 2024, the AFN hosted the inaugural meeting of the First Nations Nature Table (FNNT), in Ottawa, Ontario. This meeting brought together regionally appointed First Nations technical representatives, regional First Nations Nature Coordinators (RNCs), and federal counterparts to advance discussions on Canada's broad Nature Agenda.

Environmental Health Right to a healthy environment (RTHE)

The AFN remains engaged with Canada on the development of a right to a healthy environment (RTHE) implementation framework. In accordance with Bill S-5, the amended *Canadian Environmental Protection Act* (CEPA), which received Royal Assent on June 13, 2023, the Government of Canada is obligated to, within two years of the amendment coming into force, develop an implementation framework to set out how the right to a healthy environment will be considered in the administration of CEPA. To this end, Environment and Climate Change Canada (ECCC) and Health Canada have initiated a two 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 mechanisms to ensure First Nations can assert their rights, knowledge systems, and priorities and access the necessary resources to meaningfully contribute to the development of the implementation framework for RTHE.



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In February 2024, Canada officially released an RTHE Discussion Document for public comment and feedback. The Discussion Document provides an overview of key concepts and principles that will inform the development of an RTHE implementation framework. The AFN made a written Technical Submission to outline First Nations' concerns, perspectives, and feedback regarding the Discussion Document.

Food, Environment, Health, and Nutrition of First Nations Children and Youth Study

The AFN continues to work in partnership with Health Canada and four universities, including 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 fall 2022 and expanded to the Saskatchewan Region in spring 2023. In addition, community engagement has commenced with interested communities in the Quebec Region. The FEHNCY project is expected to extend to all AFN Regions prior to its completion over the next several years.

Strengthened Environmental Health Advocacy

The AFN is also forging new partnerships with the federal government to address shared environmental health priorities, including initiatives on First Nations-led Health Impact Assessment, pollution prevention, and environmental protection. This work is expected to evolve over the coming years with the guidance of the ACE.

Chronic Wasting Disease (CWD)

The AFN continues to be involved in promoting wildlife health by actively participating in Chronic Wasting Disease (CWD) research and prevention efforts and advocating for First Nations concerns and solutions. To date, CWD has been detected in five provinces, including British Columbia, Alberta, Saskatchewan, Manitoba, Quebec, following the recent identification of two positive cases in the British Columbia Region. The AFN is advancing the development of a CWD discussion paper that includes working with regions to highlight locally contextualized perspectives, inputs, knowledge, and concerns. These efforts will inform the ongoing development of communications tools to support education and awareness. The AFN continues to participate and contribute to the National Boreal Caribou Knowledge Consortium (NBCKC), the Indigenous Knowledge Circle (IKC), and the Country Foods and One Health group.

Impact Assessment

On October 13, 2023, the Supreme Court of Canada (SCC) released its opinion on the constitutionality of the federal *Impact Assessment Act* (IAA), finding that some aspects of the IAA were unconstitutional. The Government of Canada has moved forward on amending the IAA. The AFN continues to advocate that impact assessment requirements and processes must be consistent with the *United Nations Declaration on the Rights of Indigenous Peoples* and provide opportunities for the partnership and participation of First Nations in the assessment process, with the aim of securing their free, prior, and informed consent.

The AFN is preparing to support regulatory development on the Indigenous Co-Administration Agreement Regulation: a new regulation that would provide opportunities for First Nations governments to enter into agreements to assume powers, duties, and functions under the IAA (ss. 114). This work was put on hold with the release of the SCC opinion, but the AFN will continue to advocate for the full and meaningful inclusion of First



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Nations, regional organizations, and provincial and territorial bodies at all intervention points throughout the regulatory process of all projects. Other priority areas include the five-year review of the Project List, and the amendment of the Ministerial Exclusion Order.

Next Steps

Growing recognition of the biodiversity and climate crises has elevated domestic and international environmental protection and advocacy work and has emphasized the critical leadership of Indigenous Peoples in Canada and globally. Building on federal commitments at the UNFCCC COP 27 in Egypt and CBD COP 15 in Montreal, work related to climate change and biodiversity, respectively, has received focused global attention and commitments. The interconnectedness of these crises, coupled with a growing awareness of the linkages to environmental health have exposed the critical need for dynamic, innovative, and multifaceted solutions to address these challenges.

The AFN will continue to advance work as mandated by First Nations-in-Assembly, with the guidance of the ACE, JCCA, and newly created FNNT. Urgent action is required to address climate change, biodiversity loss and environmental health. First Nations must continue to guide national and international efforts to combat these crises. The AFN will continue 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.

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Water

History

Water, the giver of *life*, connects us all. As First Nations Peoples, we carry inherent rights and duties to protect our waters for current and future generations. These responsibilities are embedded in our unique and reciprocal bonds with our lands and all living beings. Particularly, First Nations women hold a profound and sacred relationship to water as water protectors and caretakers.

The Assembly of First Nations (AFN) is dedicated to supporting First Nations' stewardship and conservation of our waters, both inland and marine, in a way that is inclusive and respectful, honouring our rights, title, and jurisdiction. This commitment extends to ensuring the active participation of First Nations women and gender-diverse individuals in water-related decisions, aligning with their traditional roles and responsibilities. The AFN strives to ensure that all water-related initiatives reflect First Nations' priorities, perspectives, knowledge, and governance systems, and are supported by long-term sustainable funding and holistic, whole-of-government, and distinctions-based approaches.

AFN's recent advocacy

MARINE CONSERVATION AND BIODIVERSITY

The AFN continues to hold Canada accountable to its international and domestic commitments to halt and reverse biodiversity loss by 2030. We advocate for the implementation of the Kunming-Montreal Global Biodiversity Framework (GBF) and promote First Nations-led Indigenous Protected and Conserved Areas (IPCAs) across inland, coastal, and marine waters.

Directed by First Nations-in-Assembly, the AFN continues to work with Fisheries and Oceans Canada (DFO), Environment Climate Change Canada (ECCC), and Parks Canada Agency (PCA) to advance Indigenous Protected and Conserved Areas (IPCAs) in marine and coastal waters with First Nations. In February 2024, AFN Yukon Regional Chief Adamek met with DFO Minister Diane LeBouthillier to advocate for sustainable funding for First Nations to establish marine IPCAs, in line with relevant Action Plan Measures (APMs) in the United Nations Declaration Act (UNDA) Action Plan. The AFN will continue to work with DFO to implement the recommendations in the [AFN 2023 Marine IPCA Report](#).

Under the guidance of the Advisory Committee on Climate Action and the Environment (ACE) and the AFN marine IPCA sub-working group, we will continue to participate in related policy, legislative, and regulatory processes related to marine biodiversity, including providing feedback on the proposed *National Marine Conservation Area* regulations and advocating for flexible, collaborative governance structures that respect First Nations' rights. Looking ahead, the AFN plans to prioritize improving capacity-building, communications, and outreach to enhance information-sharing and coordination on marine IPCAs.

Our engagement and continued policy advocacy in domestic and international fora, such as the First Nations Nature Table (FNNT) and the Conference of the Parties (COP) to the United Nations Convention on Biological Diversity (CBD), underscores the AFN's commitment to ensure that First Nations leadership is central to biodiversity



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and conservation efforts. The AFN is preparing its delegation to attend the 16th Conference of the Parties (COP-16) in 2024, which will provide a platform to advocate for these critical issues.

SUSTAINABLE DEVELOPMENT

As Canada carries out its commitment to the United Nations 2030 Agenda for Sustainable Development, the AFN is focused on advocating for a First Nations pathway to achieving the 17 Sustainable Development Goals (SDGs). Canada must ensure that no First Nation is left behind when working towards the SDGs, which include addressing inequality, as well as economic and environmental sustainability.

In September 2023, the AFN delegation, led by then-Regional Chief Cindy Woodhouse-Nepinak, attended the SDG Summit in New York, and emphasized the need for further inclusion of Indigenous Peoples in the political declaration. The AFN is advocating 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.

Going forward, the AFN will continue to advocate for greater funding to support First Nations-led initiatives and First Nations participation in SDG discussions at the national and international levels. Building off the AFN 2022 Virtual National Forum on SDGs, which revealed First Nations' priorities, such as land rights, climate change, and cultural revitalization, the AFN is planning further engagement sessions with First Nations, and a First Nations forum on SDGs in late 2024.

FRESHWATER PROTECTION

The AFN continues to advocate for the respect of First Nations' inherent and Treaty rights to water, particularly in areas where industrial activities may impact surface and groundwater. The AFN also supports First Nations-led efforts to protect and steward their waters and actively promote the participation of women and gender-diverse individuals in decision-making processes.

In November 2023, the Government of Canada introduced legislation to create the Canada Water Agency in the fall budget bill.

In December 2023, AFN Quebec-Labrador Regional Chief Ghislain Picard, in his capacity as acting portfolio holder for Water Stewardship, met with Environment and Climate Change Canada (ECCC) Minister Steven Guilbeault to discuss a collaborative pathway forward from AFN Resolution 53/2023, *First Nations-led Process for National Water Stewardship and the Canada Water Agency*. Regional Chief Picard also advocated for sustainable long-term funding for First Nations-led water stewardship, including the development of a First Nations-led water stewardship task force. Regional Chief Adamek also met with Parliamentary Secretary Terry Duguid in April 2024 to further advocate for both regional and national support to reflect the unique realities of water management for First Nations, which will be key in the upcoming modernization of *the Canada Water Act*.

The AFN is also actively engaged in reviewing the water stewardship-related provisions in Bill C-61, *An Act respecting water, source water, drinking water, wastewater, and related infrastructure on First Nation lands*. The AFN will work with the ACE to review and discuss aspects of the bill regarding the creation of protection zones and First Nations jurisdiction over source water protection and determine potential amendments as the bill moves through the parliamentary process.



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Lastly, to further acknowledge and prioritize First Nations' water needs, the AFN has worked with the Centre for Indigenous Environmental Resources (CIER) to launch a National First Nations Water Stewardship Survey in April 2024. A summary and final report will be produced and shared with First Nations towards the end of 2024.

NUCLEAR WASTE

The AFN is working to advocate for open and transparent communications with First Nations as the Nuclear Waste Management Organization (NWMO) selects a site for a deep geological repository (DGR) for the permanent storage of intermediate and high-level radioactive waste in the form of used nuclear fuel. The AFN successfully hosted four in-person regional dialogue sessions on the transportation and storage of used nuclear waste in Fredericton, Toronto, Thunder Bay, and Vancouver in April, May, and June 2024. The purpose of the dialogue sessions was to provide information, gather feedback, and listen to First Nations' concerns and priorities about nuclear waste transportation and storage plans across Turtle Island. This feedback will inform the AFN's advocacy and support efforts in alignment with AFN Resolution 52/2023, *Securing Accountability for Nuclear Technology, Waste, Transportation and Storage*. Public awareness material, including a booklet covering session topics and an infographic detailing the nuclear fuel process, was distributed to all session participants and will be accessible on the AFN website in fall 2024. Further virtual and in-person sessions are being planned for the balance of 2024 and beyond.

Next Steps

Looking ahead, the AFN will advocate for enhanced First Nations authority in decision-making processes; Indigenous-led conservation initiatives; sustainable long-term funding; and comprehensive, culturally sensitive, and government-wide strategies concerning both fresh and marine water resources. We remain steadfast in our call to Canada for a gender-responsive approach in all water-related work.

Our upcoming initiatives, including the AFN 3rd National Climate Gathering, taking place in Calgary, Alberta, from October 7 to 10, 2024, and the United Nations Summit for the Future occurring in September 2024 in New York, underscore our dedication to advancing these critical issues both nationally and internationally. Additionally, the inaugural AFN Water Walk, taking place on September 20, 2024, and guided by the ACE, aims to raise national awareness about the urgent state of our water resources and empower women, gender-diverse individuals, and youth to actively engage in water protection.

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Lands

History

Working under the guidance of the Chiefs Committee on Lands, Territories and Resources (CCoLTR), the AFN is focused on supporting First Nations' self-determination over their lands, territories, and resources through advocacy, policy, and legislative initiatives, and by advancing transformative proposals for co-development. This includes efforts to address Canada's conflict of interest in many of its 'claims' processes. While the AFN's work on lands is often focused on addressing barriers to effective redress in existing policies—with a significant focus on Specific Claims and Additions to Reserve (ATR)—its overall objectives are more far-reaching and are based on the simple truth that First Nations need to receive more of their lands back.

AFN's recent advocacy

SPECIFIC CLAIMS

First Nations-in-Assembly passed Resolution 09/2020, *Jointly Develop a Fully Independent Specific Claims Process*, calling on Canada to work directly with the AFN and the 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 (UN Declaration) and 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

In November 2022, the AFN and Government of Canada struck the Specific Claims Implementation Working Group (SCIWG), which is responsible for jointly developing reform options for the Specific Claims policy and process, including the establishment of an Independent Centre for the Resolution of Specific Claims (the Centre).

The establishment of a Centre will require a substantive submission to federal Cabinet, followed by the joint drafting and passage of legislation. In consultation with the CCoLTR, the AFN works to advocate for both legislative and policy reform, however, concerns exist about the potential impacts of a federal election set to take place by October 2025.

The prospect of this election has led to a sense of increased urgency, both on Canada's part and that of the SCIWG, while recognizing that aspects of this work are more likely to be completed in a post-election environment. A joint draft discussion paper was released to reflect the work of the SCIWG, and engagement on this work is expected to take place for the remainder of the year.



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ADDITIONS TO RESERVE

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

In early 2024, the AFN completed a national ATR survey, carried out five ATR Case Studies, and hosted a series of interviews with officials in the Indigenous Services Canada (ISC) regional land offices. This work will be used to support the identification of ATR policy reforms in fall 2024.

To support First Nations led co-development, CIRNA proposed the creation of an Indigenous Technical Advisory Committee (TAC) that would bring together the AFN, other Indigenous representative organizations, select First Nations with experience in ATR, and key federal departments to co-develop ATR policy reforms for consideration by federal decision makers and First Nations leadership. This work is expected to unfold rapidly over the course of the remaining year.

Next Steps

The AFN will continue to engage political and senior government leaders to ensure the Government of Canada prioritizes its commitment to implementing substantial reforms to both the Specific Claims and ATR policies prior to a federal election, as called for by First Nations. In addition to advancing co-developed legislation to establish an Independent Centre for the Resolution of Specific Claims, the AFN, with guidance from the CCoLTR, will explore and discuss meaningful policy reforms that can contribute to more immediate improvements to how Specific Claims and ATRs are currently handled. This will include the confirmation of updated mandates from the First Nations-in-Assembly to support co-development and advance reforms identified through ongoing engagement processes with First Nations.

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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 (Procurer 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 Canada (ISC), 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. In March 2024, Bill C-38 underwent debate at second reading and is expected to move to the Committee stage.

AFN's recent advocacy

The 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 not to table any legislative amendments until it has adequately consulted with First Nations and provided the necessary resources for community engagement. The AFN continues 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. The former National Chief sent a letter to Minister Hajdu in March 2023 calling for the immediate withdrawal of Bill C-38.

The AFN is also participating in a multi-partner engagement process on the second-generation cut-off in the *Indian Act*, referred to as the Indigenous Advisory Process (IAP). The IAP, which formally launched on November 20, 2023, brings together First Nations regional and national organizations to provide guidance to ISC on how to consult and cooperate with First Nations to address the second-generation cut-off. The AFN is pursuing opportunities with ISC to support First Nations to engage in reforming elements of the Indian Act surrounding enfranchisement, deregistration, the second-generation cut-off, and to promote First Nations' rights to self-determination over citizenship. Work could also include designing a broad engagement strategy to engage and support First Nations to co-develop opt-in alternatives to *Indian Act* registration and citizenship.



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Next Steps

The AFN will continue to provide information to update the 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 citizens and exercise self-determination over their citizenship processes.

The AFN continues to monitor Bill C-38, currently in the House of Commons, and has called on the Government of Canada to provide adequate resources for all First Nations to engage with their citizens. The AFN is currently preparing a parliamentary submission on Bill C-38.

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The New Fiscal Relationship

History

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

Based on Resolution 66/2017, *AFN-Canada Joint Report on Fiscal Relations*, the AFN and Canada co-developed the New Fiscal Relationship Transfer (also known as the NFR Grant), an opt-in funding mechanism designed to offer First Nations an alternative to funding through contribution agreements. The NFR Grant provides several significant benefits: a 10-year term, flexibility to design and deliver services, and reduced administrative and reporting burdens. In 2021–2022, the NFR Grant expanded to include an escalator mechanism that would annually increase the funds a First Nation receives based on the population growth and inflation. As of May 2024, 154 First Nations have opted-in to the grant.

The 2017, AFN-Canada report, *“A New Approach: Co-development of a New Fiscal Relationship,”* recommended the creation of an advisory committee to guide the work and make recommendations for the implementation of a new fiscal relationship. In 2019, the Joint Advisory Committee on Fiscal Relations (JACFR) presented its report, *“Honouring our Ancestors by Trailblazing a Path to the Future,”* to the First Nations-in-Assembly.

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

AFN's recent advocacy

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

- **The 10-Year Grant:** The AFN is working with ISC to expand the grant's eligible recipients to include Tribal Councils and Health Authorities.
- **Governance Modernization:** The AFN and ISC are working on supporting First Nations governance capacity through the modernization of ISC's governance capacity programs. This is expected to complement efforts to strengthen the fiscal relationship with First Nations by enhancing both the ongoing core-funding and developmental and remedial supports.
- **A National Outcomes-Based Framework:** The National Outcome-Based Framework is meant to be a key mechanism of mutual accountability by measuring progress in closing socio-economic gaps between First



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Nations and non-Indigenous Canadians. ISC continues to lead regional engagements with First Nations on the development of this framework through spring 2024. ISC expects to complete a “What We Heard” and methodology report in fall 2024, to be shared with First Nations and at an upcoming AFN Assembly.

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

Next Steps

The AFN maintains that key elements of a New Fiscal Relationship between Canada and First Nations includes new funding arrangements, the 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 socioeconomic gaps.

Resolution 92/2023, *Continued Action on the New Fiscal Relationship and the Reestablishment of the Chiefs’ Committee on Fiscal Relations*, called on the AFN to reconvene the Chief’s Committee on Fiscal Relations. The AFN is currently seeking funding to support the reestablishment of this Chiefs’ Committee and looks forward to standing up this committee once funding is in place.

The AFN is looking to continue work with ISC on co-developing options from the 2019 JACFR report, including exploring the development of a First Nations Auditor General, and a First Nations Financial and Statistical Institute.

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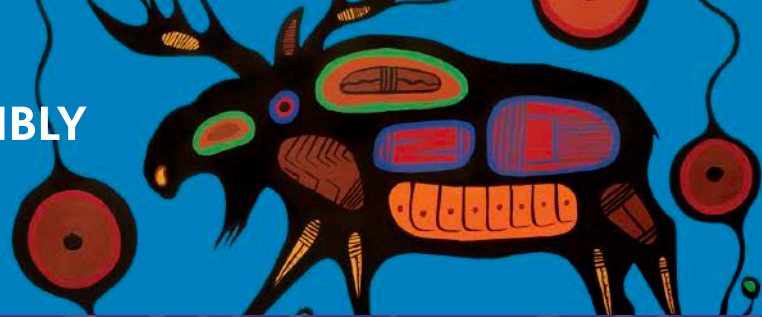


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Bill C-21 Firearms Legislation

History

Bill C-21, *A Bill to Amend Certain Acts and to Make Certain Consequential Amendments (Firearms)*, is a piece of legislation intended to address increased levels of violence in Canada with illegal handguns. The federal government stated that Bill C-21 is part of a comprehensive strategy to address gun violence and strengthen gun control. Bill C-21 will introduce a “freeze” on the sale, purchase, or transfer of handguns in Canada but does not completely ban their use.

Since the introduction of the Bill, critics have noted that the legislation does not directly address the illegal sale of handguns, but instead attempts to further restrict the legal sale and ownership of handguns and other weapons. The Bill completed Third Reading in the Senate during six days of meetings that occurred in December 2023. Bill C-21 was approved and received Royal Assent without any further amendments on December 15, 2023.

AFN's recent advocacy

On November 6, 2023, Assembly of First Nations (AFN) Regional Chief Teegee appeared before the Standing Senate Committee on National Security, Defence and Veterans Affairs to raise concerns with the development of Bill C-21, including the “red flag,” “yellow flag” provisions and potential negative impacts on First Nations Inherent, Constitutional, and Treaty rights. Regional Chief Teegee called for an amendment to Bill C-21 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 and harvesting. Regional Chief Teegee also noted that First Nations leadership was not adequately consulted nor was their consent obtained with respect to any potential impact Bill C-21 may have on First Nations rights.

The lack of consultation throughout the development of Bill C-21 was again expressed by Senators during debate at Third Reading. Senators referenced entities, including Indigenous partners and communities; and advocacy groups representing hunters, farmers, sport shooters, and Chief Firearms Officers – all of whom were engaged too little. This lack of consultation with First Nations failed to meet the minimum standards of the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)* and did not satisfy the Crown’s duty to consult and obtain free, prior, and informed consent on legislation affecting First Nations rights.

The AFN supports legislation focused on promoting public safety and protection for vulnerable groups, such as First Nations women and the 2SLGBTQQIA+ community, but not without adequate consultation consistent with UNDRIP.



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Next Steps

Given that Bill C-21 has received Royal Assent, the AFN will focus on sharing information with First Nations on the final version of the legislation and on advocacy around regulations that will accompany the legislation. At Third Reading of Bill C-21, commitments were made by Minister LeBlanc to re-establish the Canadian Firearms Advisory Committee, which will guide the development of the regulations. National Indigenous Organizations (NIOs), such as AFN, are invited to have one representative on the committee.

The AFN will continue to advocate for the protection of First Nations communities through effective and culturally supportive legislation and regulations. The AFN also supports legislation focused on promoting public safety and protection for vulnerable groups such as First Nations women and the 2SLGBTQIA+ community. As such, the AFN will advocate for regulations to provide clarity on protection of First Nations constitutionally enshrined rights to sustenance hunting. The AFN will also continue to examine how the “yellow flag,” “red flag” provisions will be implemented to better align with preventative measures aimed to protecting First Nation communities.

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Bill C-53, the *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. On April 17, 2024, the Métis Nation–Saskatchewan withdrew its support for the Bill. Bill C-53 has not yet completed third reading in the House of Commons.

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 to oppose unfounded Métis rights assertions.

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.

AFN's recent advocacy

The AFN has been actively advocating for First Nations interests through parliamentary advocacy on Bill C-53. In September 2023, the AFN collaborated with the Chiefs of Ontario (COO) to organize and participate in a demonstration on Parliament Hill.

In October 2023, the AFN Interim National Chief Joanna Bernard wrote a letter to the Prime Minister, urging the Government to halt the Bill until adequate consultations with First Nations were conducted and consent was obtained. The Interim National Chief also represented the AFN before the Standing Committee on Indigenous and Northern Affairs on November 28, 2023. She appealed to the Government of Canada to withdraw Bill C-53 and establish a comprehensive national consultation process with First Nations.

In spring 2024, the AFN hosted four online regional engagement sessions on Bill C-53. These sessions provided a platform for First Nations leadership and technicians to exchange insights, discuss potential amendments to the bill, and strategize on upholding and protecting First Nations' Inherent, Treaty, and section 35 rights. These discussions highlighted serious concerns about the lack of consultation in the development of Bill C-53, and the approach to similar legislation and agreements across Canada. The AFN also heard about the need for legislative processes to be inclusive and reflective of First Nations' perspectives and rights.



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On May 7, 2024, National Chief Cindy Woodhouse Nepinak released a statement re-affirming calls for the withdrawal of Bill C-53 citing Canada's failure to respect the perspectives and consultation requirements of the First Nations it would affect.

Next Steps

The AFN will continue political advocacy to seek the withdrawal of Bill C-53 and the creation of a national consultation process. The AFN will continue to coordinate with regions to develop a national strategy to oppose unfounded Métis rights assertions.

In the event Bill C-53 continues to the Senate, the AFN will continue to collaborate with the Chiefs of Ontario (COO) in a planned First Nations Advocacy Day on Bill C-53. This event will be an opportunity for First Nations leadership to engage directly with Senators on their concerns regarding the implications this legislation could have on First Nations rights and to influence the legislative process. Regardless of the future of Bill C-53, the AFN will continue to monitor similar issues, such as those in Bill S-14, *An Act to amend the Canada National Parks Act, the Canada National Marine Conservation Areas Act*, the Rouge National Urban Park Act and the National Parks of Canada Fishing Regulations, which poses similar threats to First Nations lands, and advocate for adequate consultation processes and engagement with rights holders to ensure the protection of their Inherent and Treaty rights and title.

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Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+

History

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

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

AFN's recent advocacy

The AFN continued to advocate for the full implementation of the National Inquiry's 231 Calls for Justice (CFJ). In December 2023, the AFN provided oral and written submissions to the Standing Senate Committee on Indigenous People to advocate for the full implementation of CFJ 1.7, which calls for the establishment of an independent National Indigenous and Human Rights Ombudsperson and National Indigenous and Human Rights Tribunal. In February 2024, the AFN attended the 2nd National Roundtable on MMIWG2S+ hosted by Crown Indigenous Relations and Northern Affairs Canada (CIRNAC). The Roundtable focused on developing a National Red Dress Alert System, the Ministerial Special Representative's Final Report on Call for Justice 1.7 regarding creating a National Indigenous Human Rights Ombudsperson, and oversight and accountability.

The AFN prepared position papers on Independent Oversight Mechanisms (CFJ 1.10) and the Red Dress Alert, to outline important considerations and recommendations. These papers were provided to CIRNAC. On June 3, 2024, the AFN released the Calls for Justice Report Card, which reviewed implementation of the CFJ over a five-year period. Overall, the CFJ Report Card found there has been poor implementation of the CFJ to date, however, there have also been some encouraging steps forward.

The AFN attended the Fifth Convening of the Trilateral Working Group on Violence Against Indigenous Women and Girls. This meeting provided an opportunity to discuss two themes, human trafficking and access to justice, with Indigenous organizations and Ministers from Canada, the United States, and Mexico.

In September 2023, the AFN met with the Dubois family, from the Pasqua First Nation, who is calling on the Federal government to launch a National Inquiry into Missing, Murdered and Neglected Indigenous Men, Boys, and 2SLGBTQQIA+ People. The AFN prepared a position paper to outline important considerations and recommendations on the topic of Missing and Murdered Indigenous Men, Boys, and 2SLGBTQQIA+ People (MMIMB2S+).



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Next Steps

The AFN will continue to advocate to advance the priorities outlined in the FNNAP and for adequate resources and funding to address the crisis of MMIMB2S+. The AFN will regularly monitor implementation of the CFJ, in preparation for the 2025 Calls for Justice Report Card.

The Government of Canada's Budget 2024 announced that only \$1.3 million over three years starting in 2024-25 would be allocated to co-develop with Indigenous partners a regional missing person's alert for Indigenous women, girls, and Two-Spirit people. The AFN will continue to advocate for a culturally appropriate national alert system that is equitably funded, resourced, inclusive, and accountable to survivors, their families, and First Nations. Budget 2024 also allocated \$20 million in federal funding in 2024-25 to support efforts to search the Prairie Green Landfill for the remains of missing and murdered First Nations women. Considerable progress has taken place in this area as the search is now receiving support both at the federal and provincial level. However, ongoing advocacy is imperative to ensure the current momentum continues and the search moves forward.

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First Nations Policing

History

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

In December 2020, the Minister of Public Safety and Emergency Preparedness announced the creation of 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 been working closely with First Nations leaders and Chiefs of Police to develop policy options for a legislative framework. Public Safety Canada (PSC) has also carried out its own virtual engagement sessions to receive input on the development of First Nations policing legislation.

Beginning in Spring 2021, PSC indicated that it was meeting with its own provincial/territorial First Nations Policing Working Group, and that these discussions were progressing to an agreement with respect to funding under the new legislation. PSC also advised that they have undertaken a co-development process to create an "Essential Elements" document to be used as legislative drafting instructions, working with the First Nations Chiefs of Police Association (FNCPA) and First Nations Police Governance Council (FNPGC). PSC is working with a consulting group, Indigenous Leadership Development Institute, to carry out national engagement to validate PSC's "Essential Elements" paper, which has not been shared with First Nations or the AFN.

AFN's recent advocacy

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

1. **Rights Recognition:** recognition of First Nations self-determination in accordance with First Nations Inherent and Treaty rights, title, and jurisdiction, consistent with *United Nations Declaration on the Rights of Indigenous Peoples*, while complementing provincial/territorial policing legislation and regulations.
2. **Essential Services Designation:** recognition that First Nations police services are integral to community safety and security and that an "essential services" designation is one of the necessary preconditions to ensuring these services are backed by legislation and adequately resourced to provide culturally relevant and responsive policing services.
3. **Equitable funding:** recognition that First Nations police services must be sufficiently funded to do their work and that such funding should be at a level consistent with their recognition as essential services.

Early in 2024, PSC expressed their intention to bring forward legislation to enable provinces and territories to legislate with respect to First Nations police services and police governance. Such legislation is unprecedented

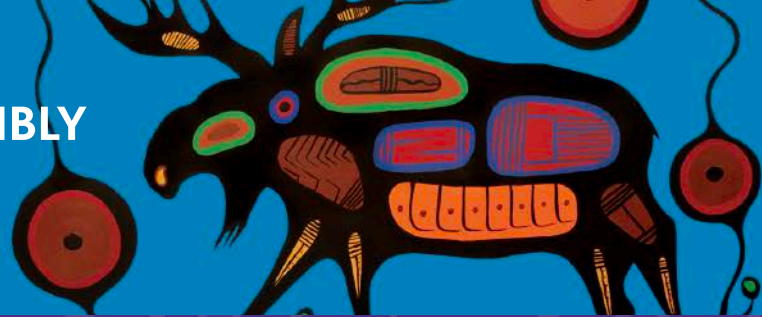


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nationally. This approach is a significant step backwards in what the AFN and the Government of Canada have been able to accomplish on other co-developed legislation, like Indigenous languages, child welfare and the *UN Declaration Act*.

The AFN continues to maintain that First Nations will not support any legislation on First Nations policing that does not recognize First Nations jurisdiction. The AFN's co-development with PSC on the legislation has stalled with no consensus reached on the recognition of First Nations jurisdiction over policing, however, the AFN is developing a position paper to use as an advocacy tool around the legislation. This position paper is forthcoming.

Next Steps

The AFN will continue to urge the respective Minister to reconsider the position being advanced by Public Safety Canada and re-engage in co-development subject to the conditions set out in Resolution 41/2023, *Support for Equitable Funding for First Nations Policing*, which include:

- PSC's appointment of a representative with experience engaging with First Nations and who possesses an understanding of First Nations rights and policing to engage with the AFN and act as an intermediary between the Minister of PSC and PSC officials;
- PSC's commitment to co-develop guiding principles that recognize First Nations Inherent rights, Treaty rights, constitutional rights, and sovereignty and jurisdiction over First Nations policing;
- Full participation of representatives from Indigenous Services Canada, Crown Indigenous Relations, and Justice Canada in the co-development process to provide support to PSC and the AFN during discussion regarding the legislation; and
- Regular meetings between PSC's federal/provincial/territorial working group and representatives of the AFN on First Nations policing to enable direct participation in discussions regarding the legislation.

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, recognizes and upholds First Nations Inherent, Treaty and constitutional rights in accordance with *UN Declaration on the Rights of Indigenous Peoples*, and supports non-colonial, community-based models, as required by each community wishing to participate in the framework.

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Emergency Management

History

First Nations that are at risk of flooding, forest fires, or other natural disasters rely on federal, provincial, and territorial governments to provide relief when an emergency is declared. These hazards are now compounded by climate change. This means everyone in Canada, especially First Nations, will face emergencies that are more severe and frequent. Without their own regime or funding, First Nations are at a severe disadvantage and face additional risks without the necessary equipment and personnel to develop plans, training, procedures, and strategies 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. First Nations must be supported in prevention, mitigation, preparedness, response, and recovery. The AFN strives to develop and maintain respectful working relationships between First Nations and federal, provincial, and territorial governments. These efforts help guide a cooperative and collaborative emergency management process and ensure that capacity building is the focus of all government partners.

AFN's recent advocacy

The AFN continues to advance the protection, recognition, and respect for First Nations Inherent and Treaty rights through work 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 provincial and territorial emergency management partners.

In March 2024, the AFN 2024 Emergency Management Forum was held at the Hilton Lac Leamy in Gatineau, Quebec. With close to 500 attendees, this Forum offered discussions, presentations, and updates from First Nations emergency management (EM) practitioners, and federal, provincial, and non-governmental organizational partners.

Chiefs Committee on Emergency Management (CCEM)

The AFN 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 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.

Work with Indigenous Services Canada (ISC)

The AFN co-chaired and assisted in the development of the Steering Committee on Indigenous Service Canada's (ISC) Actions to Address Auditor General of Canada Performance Audit Recommendations on Emergency Management (Steering Committee). This Steering Committee was intended to inform, oversee, and provide guidance on ISC's actions to respond to Report 8 of the 2022 Auditor General's Report on Emergency Management in First Nations Communities.



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

The AFN is working with Public Safety Canada (PSC) to set up and convene an Indigenous Emergency Management (EM) Working Group. The Indigenous EM Working Group came out of a commitment from the previous Minister of Emergency Preparedness during the December 2022 Federal, Provincial, Territorial Ministers and NIO Leaders Meeting, and launched on February 9. The mandate of this Working Group is to facilitate the engagement of Indigenous Peoples on strengthening Indigenous emergency management in Canada. The Working Group was established as an advisory body that will interact with a number of FPT organizations, stakeholders, and National Indigenous Organization (NIO)-led initiatives in order to ensure that Indigenous perspectives, interests, and concerns are integrated into EM-related decisions, policies, and programs. The Working Group will complement federally-led and distinctions-based efforts, such as the Steering Committee for the Auditor General's recommendations on First Nations EM.

Lastly, the AFN Infrastructure Sector released the First Nations Fire Protection Strategy for 2023 to 2028, co-developed with ISC, during the First Nations Responders Gathering in May 2023. The strategy builds upon previous strategies to address the increasing risks from climate change and promotes the use of modern technology for fire prevention planning, tracking, and management. Subsequently the Infrastructure sector hosted a First Nations Responders Gathering on May 19, 2023, which focused on advancing First Nations fire protection priorities and explored ways to address increasing fire dangers faced by First Nations.

Next Steps

The AFN will continue to address emergency and disaster events to support the development of flexible and resilient programming that ensures First Nations are self-determining, provided adequate funding, and fully recognized partners with federal, provincial, and territorial governments and their regional emergency management organizations. A key focus area is shifting the emergency management paradigm from a reactive approach to a pro-active approach that values the traditional knowledge and expertise of First Nations to guide their people through the impacts of climate change and all other hazards they will face.

Moving forward, working with the ISC Advisory Council on Emergency Management and the PSC Indigenous Emergency Management Working Group, the AFN will continue to promote the development of First Nations-led care and control of emergency management regimes; ensure all federal, provincial, and territorial emergency management policies, processes, and procedures are inclusive of First Nations representation; and continue to work to implement the resolutions from the First Nations-in-Assembly. With distinct and specific support, First Nations can fully implement their own culturally relevant emergency management policies, programs, and procedures that best serve their specific hazardscapes, and incorporate their distinct ways of knowing and being to create unique regimes that best serve each First Nation. The AFN will also be resuming the development of a strategy with the Chief Committee on Emergency Management for the care and control of First Nations Emergency Management and continue discussions with ISC for a proposed focused emergency management forum in early 2025.

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Indian Residential Schools and Unmarked Graves

History

The Indian Residential School system, which operated from 1831 to 1996, affected over 150,000 children from every First Nation across Canada. These institutions were not schools, but mechanisms of assimilation and genocide, designed to eliminate their connection to culture and families by forcibly removing children from their homes through official policy that was enforced by the Royal Canadian Mounted Police (RCMP). This policy was created and funded by the Canadian government and managed by church officials who practiced cultural genocide by forcefully preventing children from speaking in their own language or engaging in traditional practices.

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 Indigenous leaders, communities, survivors, families, and experts to identify measures needed for a federal legal framework that ensures the respectful and culturally appropriate treatment and protection of unmarked graves and burial sites of children at former Residential Schools. The AFN submitted a position paper on Indian Residential Schools and recommendations for the Special Interlocutor's final report, to be released in 2024.

AFN's recent advocacy

On March 30, 2023, the Vatican formally repudiated the "Doctrine of Discovery," declaring that a historic policy used to justify colonial exploitation is "not part of the teaching of the Catholic Church." The Assembly of First Nations (AFN) continues to monitor and report on the work by the Catholic Church, including a Sacred Covenant signed on April 1, 2024, between Tk'emlúps te Secwépemc (Kamloops First Nation) and the Roman Catholic Archdiocese of Vancouver.

The Sacred Covenant acknowledges past wrongs, particularly the Catholic Church's role in the Residential School System, and a shared commitment to truth, reconciliation, and the future. It clarifies the "Doctrine of Discovery" by affirming the dignity and rights of First Nations peoples, repudiating past injustices. It also outlines practical commitments, including honouring and memorializing residential school students, facilitating access to historical records, and retaining scientific expertise to support the Nation's efforts in uncovering the truth and promoting healing. The sacred Covenant ceremony involved AFN Northwest Territories Regional Chief and Indian Residential School advocate, Gerald Antoine.

In April 2024, Bill C-29, *An Act to Provide for the Establishment of a National Council for Reconciliation*, received Royal Assent. 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, concerns exist around the selection criteria of the seats, with four identified from National Indigenous Organizations and nine remaining to unknown categories jointly appointed by the Crown Indigenous Relations Minister and a Transitional Committee.



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In early summer 2024, the AFN released the 2024 Truth and Reconciliation Commission (TRC) Report Card, tracking progress made on the implementation of the Calls to Action since June 2023. This reporting period marks the first time since 2020 that no Calls to Action were completed in a calendar year. This reflects the slow pace of the federal government's response to implementing the 94 Calls to Action. Nine years after the release of the Truth and Reconciliation Commission's final report, and three years of continuous discoveries of children's remains from unmarked burial sites across Canada, Survivors, families, and the AFN continue to advocate for the full implementation of the 94 Calls to Action.

Next Steps

The AFN continues to call for the full implementation of the TRC's 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, significantly more support is needed 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.

The AFN will be reviewing the Final Report from the Special Interlocutor to begin advocating for a new legal framework to address the barriers experienced by First Nations and Residential School Survivors and families in searching for unmarked graves and burial sites.

Regarding the National Council for Reconciliation, the AFN is seeking details around the creation of the Board of Directors and will report back to First Nations-in-Assembly regarding this new body and its operations. The Council will monitor the long-term growth of reconciliation within Canada and evaluate and report to First Nations on the progression of the implementation of the 94 Calls to Action. This is keeping in line with what many First Nations leaders have been calling for many years, including greater accountability, greater transparency, and a clear path forward to advance reconciliation. The needs and interests of First Nations must be protected and promoted through this Council, which will require resources. As we move forward, it is imperative to ensure the right people are at the table to move these issues forward for Survivors of Canada's Indian Residential Schools system, and all First Nations.

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Indigenous Justice Strategy and Justice Reform

History

In January 2021, the Minister of Justice and Attorney General of Canada was mandated with developing—in consultation and cooperation with Indigenous partners, provinces, and territories—an Indigenous Justice Strategy (IJS) to address systemic discrimination and the overrepresentation of Indigenous Peoples in the justice system. In 2021, the Assembly of First Nations (AFN) received a mandate from the First Nations-in-Assembly through Resolution 36/2021, *Call for Recommitment, Funding and a Clear Timeline for Development and Implementation of a National First Nations Justice Strategy*, to urgently co-develop a strategic framework to develop and implement a National First Nations Justice Strategy.

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

AFN's recent advocacy

In November 2023, after continued advocacy from the AFN, the Minister of Justice agreed to a co-development process of the Indigenous Justice Strategy (IJS). The deadline for the development of the IJS was pushed back from March 2024 to November 2024 to allow for the co-development process to be carried out.

In September 2023, the Chiefs' Committee on Justice (CCoJ) held their inaugural meeting to discuss regional efforts and best practices relating to justice reform while providing guidance to the AFN in the continued engagement activities to inform the AFN IJS Recommendation Paper. The CCoJ provides advice and guidance on matters relating to justice reform and reclamation of First Nations justice systems, legal traditions, and customary laws.

In October 2023, the AFN Justice Sector held a Virtual Justice Speaker Series (VJSS) with four sessions that included diverse speakers representing youth, 2SLGBTQIA+ peoples, women, men, Elders, Knowledge Keepers, legal practitioners, and legal scholars from regions across Canada. The speakers provided invaluable insight, thoughts, and recommendations on different themes related to the IJS, while generating meaningful and engaging discussion with active participants.

In January 2024, the AFN submitted the *AFN Recommendations for a First Nations Justice Strategy* to Justice Canada's Reconciliation Secretariat as part of their engagement in the development of the IJS. The AFN Recommendations for a First Nations Justice Strategy is the culmination of three years of engagement activities related to the IJS. The report is structured to make recommendations on two main areas: reforming the current Canadian justice system as an interim measure to address the growing failures towards First Nations Peoples, and the meaningful restoration of First Nations traditional laws, legal traditions, structures and systems moving forward. The paper is planned to be published on the AFN website in Summer 2024.



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Next Steps

The AFN has developed a Critical Path to guide the co-development of the IJS and related engagement activities moving forward. An ad hoc technical team of AFN staff will work closely with Justice Canada throughout the drafting process of the First Nations specific components of the IJS. The CCoJ will help to guide this process and provide input into areas that may require additional discussion.

The AFN will continue to advocate for the reform of the Canadian Justice System and ensure that the IJS addresses issues such as: systemic racism, fuller implementation and expansion of the Gladue principle (including the establishment and funding of First Nations and Gladue Courts), improving jury selection processes, recognizing First Nations' jurisdiction over justice, and effective implementation of First Nations customary laws and legal practices.

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

In 2021, after decades of advocacy by the Assembly of First Nations (AFN) and First Nations, Canada passed the *United Nations Declaration on the Rights of Indigenous Peoples Act* (the UNDA), providing a roadmap for the implementation of UNDRIP based on lasting reconciliation, healing, and cooperative relations.

On June 21, 2023, the Department of Justice (DOJ) released Canada’s National Action Plan to implement the UNDA. The Action Plan includes 181 measures that guide the Government of Canada’s implementation of the UNDA. Through AFN Resolution 20/2023, *United Nations Declaration on the Rights of Indigenous Peoples Act Draft National Action Plan*, the First Nations-in-Assembly recognized that the Action Plan does not constitute all actions needed to ensure the full implementation of UNDRIP and therefore calls on Canada to continue to update the Action Plan. Since its release, Canada has produced two annual reports on the implementation of the UNDA from the Department of Justice, describing ongoing work in partnership with First Nations on implementation of the UNDA. The AFN produces its own regular reports updating First Nations on progress made to implement the UNDA.

AFN’s recent advocacy

Since the UNDA became law in 2021, the AFN has continually advocated for First Nations rights-holders to lead all processes related to implementation of UNDRIP and be supported with sufficient and sustained resources to undertake this critical work in full consultation and collaboration with Canada, as required explicitly by the UNDA. Canada has recognized that initial processes regarding funding and engagement with First Nations, including the development of the National Action Plan, the Annual Reports, and the alignment of laws processes, require further refinement, funding, and leadership by First Nations. To date, Canada’s implementation of the UNDA has not kept up with the timing or aspirations of First Nations.

In 2023, the AFN advocated for over \$1.5 billion over five years for First Nations-led coordination on implementation of the UN Declaration. The AFN will continue to advocate for adequate funding for First Nations in this work. Budget 2022 identified \$11 million for Indigenous engagement on the UNDA, falling far short of the funding identified for the AFN to support First Nations in leading the implementation of the UNDA. In response to the lack of immediate implementation by Canada, the AFN meets regularly with the DOJ to ensure the full collaboration between the AFN, First Nations, and the federal government on effective implementation of the UNDA. The AFN continues to monitor and update First Nations on any planned changes to federal law, policy, or regulation, as called for in Section 5 of the Act. In November 2023, the AFN appeared before the Senate Standing Committee on Legal and Constitutional Affairs 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

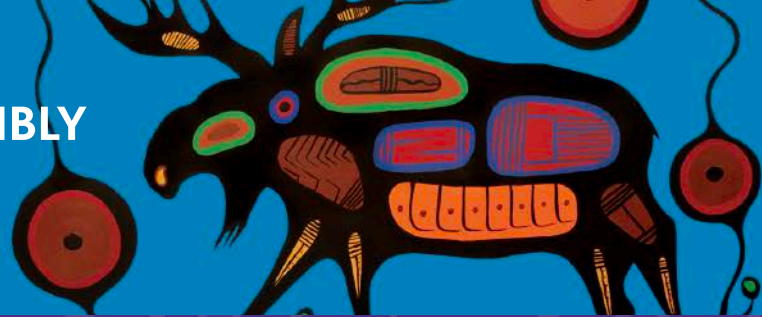


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uphold the UN Declaration. In April 2023, Portfolio Holder Regional Chief Terry Teegee appeared before the Senate Standing Committee on Indigenous Peoples (APPA) to give verbal testimony on the status of the implementation of the UNDA in Canada. Regional Chief Teegee raised the need for significant funding to ensure the process is First Nations-led and for Canada to accelerate its implementation of the UNDRIP. The AFN has also provided input to the DOJ to improve the reporting process on the Annual Reports to Parliament of the UNDA and its Action Plan. The AFN submitted recommendations to the DOJ towards the improvement of this process.

Following Resolution 78/2023, *Establishing a Chiefs' Committee on the UN Declaration Act*, passed at the 2023 SCA, the Chiefs' Committee on the UNDA had their inaugural meeting in May 2024.

Next Steps

The AFN will continue to advocate for the full implementation of Inherent and Treaty rights, title, and jurisdiction of First Nations through the implementation of the UNDRIP. This includes ensuring that federal processes respect First Nations' free, prior, and informed consent through adequate funding for First Nations to engage directly with Canada.

In the next year, the AFN will advance on the development of evaluation and reporting metrics on UNDA implementation progress from a First Nations-lens. This will not only assist Canada in its own reporting to First Nations on progress but will assist First Nations with identifying opportunities and gaps for rights implementation. The AFN will continue to report to First Nations, including by providing public quarterly reports via the AFN website.

Finally, the AFN will host a National Policy Forum on the UNDRIP in 2025 to bring First Nations leadership, technicians, and experts together to share knowledge and best practices on supporting First Nations rights' and discuss the state of UNDRIP implementation in Canada.

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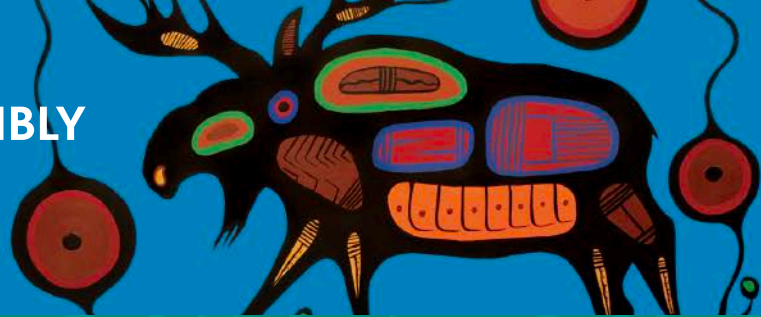


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Early Learning & Child Care

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 the needs of First Nations. Due to outdated and stagnant funding, these programs have struggled to effectively support First Nations children and families. For decades, the Assembly of First Nations (AFN) has led calls for change in these services to ensure that First Nations children are properly supported in their early years.

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

AFN's recent advocacy

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

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

Budget 2021 further proposed legislating a Canada-wide system of ELCC, which was tabled in the House of Commons in December 2022 as Bill C-35, *An Act respecting early learning and child care in Canada*. In 2022, First Nations-in-Assembly passed AFN Resolution 08/2022, *Early Learning and Child Care Legislation*, outlining First Nations priorities for federal ELCC legislation and asserting that federal ELCC legislation must respect First Nations rights to self-determination and jurisdiction over ELCC, calling on Canada to engage directly with rights holders. In 2023, the AFN, with input from the NEWG, prepared a submission to the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities. The AFN's submission expressed concerns about the lack of engagement and free, prior, and informed consent from First Nations in the development of Bill



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C-35, pointing to the need to recognize and support First Nations jurisdiction and rights, and emphasized the importance of long-term funding for First Nations ELCC. In fall 2023, Interim National Chief Joanna Bernard appeared as a witness to the Senate of Canada's Standing Committee on Social Affairs, Science, and Technology to emphasize the need to recognize First Nations jurisdiction over ELCC in the legislation. Bill C-35 received Royal Assent on March 19, 2024.

Next Steps

The AFN continues to advocate for First Nations rights and jurisdiction in the implementation of Bill C-35. 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 childcare system. Lastly, as identified in the First Nations ELCC Framework, the AFN has identified a consultant to create First Nations results and evaluation frameworks. The NEWG will work collaboratively to oversee and advise the contractor completing this work.

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Post-Secondary Education

History

In 2021, the Assembly of First Nations (AFN), Chiefs Committee on Education (CCOE), National Indian Education Council (NIEC) and Indigenous Services Canada's (ISC) co-developed a policy proposal entitled, *First Nations-led Local, Regional and Treaty-based Post-Secondary Education Models*. The proposal was later appended to a Memorandum to Cabinet (MC) and approved by First Nations-in-Assembly through AFN Resolution 21/2021, 2021 *Policy Proposal on First Nations-led Post-Secondary Education Models*. The MC provided the policy authority for the Government of Canada and First Nations to negotiate and conclude First Nations Post-Secondary Education (PSE) models, although funding has never been provided by ISC to support and conclude these negotiations.

AFN Resolution 19/2021, *Funding for Post-Secondary Indigenous Institutes and Students*, strengthens the mandate for the AFN to call on the Government of Canada to honour its' obligations to lifelong learning by providing First Nations post-secondary institutions sufficient core funding support and to increase funding available for First Nations post-secondary students. The AFN is also mandated by AFN Resolution 56/2023, *Unilateral Education Programming Decisions by Indigenous Services Canada*, which calls on the Government of Canada to improve and strengthen partnerships with First Nations through an honourable, transparent, and respectful process that supports First Nations control of First Nations education.

AFN's Recent Advocacy

The 2024 AFN Pre-Budget Submission (PBS) identifies the required funding outlined in the 2021 Policy Proposal on First Nations-led Post-Secondary Education Models, with costs adjusted for inflation. The AFN's recent budget advocacy is informed and supported by two AFN reports, including the [Closing the First Nations Education Gap](#) in Canada report and the [First Nations Post-Secondary Education: A Costing Analysis on the Establishment and Advancement of First Nations Institutions](#). The AFN continues to advance messaging on the benefits of fully funded and First Nations-led PSE through meetings with ISC, promotional materials, fact sheets, and events.

The 2024 Federal Budget announced \$242.7 million over three years, starting in 2024-2025, to increase access PSE education for First Nations students through the Post-Secondary Student Supports Program (PSSSP). The funding in PSSSP will see an estimated \$15 million annual increase for the program as it replaces the previous targeted funding announced in 2019. This investment falls short of the \$10.34 billion over five years identified in the AFN PBS to support First Nations students, institutions, community-based programming, ongoing technical tables, and additional resources required for First Nations PSE models.

Despite the increase in funding for PSSSP, ISC has continued to stall the implementation of PSE models with no investments. The 2024 Federal Budget marks the third straight year of Canada disregarding the programming and policy changes requested by First Nations-in-Assembly to improve PSE for First Nations institutions and students. In addition, First Nations post-secondary institutions have consistently pointed to the lack of stable funding, capital funding, and pathways for recognition and accreditation as barriers to growth. The AFN estimates that \$1.03 billion is required for institutions over the next five years.



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Next Steps

In response to the 2024 Federal Budget investments in PSSSP, the AFN, NIEC, and ISC are codeveloping revisions to the PSE Terms and Conditions to include in ISC's upcoming Treasury Board Submission. The AFN continues to work with First Nations to advocate for funding for developing and implementing PSE models. Through advocacy materials and research reports, the AFN will continue to build the case for fully funded PSE, including updated costing estimates for the 2025 Pre-Budget Submission.

Finally, the AFN will be continuing to support research in PSE by completing an evaluation of post-secondary institution supports for First Nations students. The Evaluation will seek to evaluate PSE institutions in Canada and how they provide supports to First Nations students and their overall progress towards reconciliation.

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First Nations Child and Family Services Long-Term Reform and Compensation

History

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

In September 2019, the CHRT ordered Canada to pay the maximum allowable compensation for victims of discrimination under FNCFS and Jordan's Principle, dating back to 2006/2007. In 2020, the AFN filed a class action lawsuit 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. With further direction from First Nations leadership and the CHRT, the AFN, Canada, and other Parties returned to the negotiating table and reached a revised FSA, valued at over \$23.3 billion, which was approved by First Nations-in-Assembly in April 2023 through AFN Resolution 04/2023, *Revised Final Settlement Agreement on Compensation for First Nations Children and Families*. The revised FSA received approval from the Federal Court of Canada on October 24, 2023.

In 2018, 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 Metis children, youth, and families (the Act), received Royal Assent in 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. In 2021, the Government of Quebec challenged the constitutionality of the Act, which the Quebec Court of Appeal largely upheld but struck sections 21 and 22.3, which give First Nations laws the "force of law as Federal law." The federal government appealed this decision at the Supreme Court of Canada (SCC), which the AFN intervened in. 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.

AFN's recent advocacy

The AFN remains committed to reforming the FNCFS to end and prevent the recurrence of discrimination for First Nations children and families. Under the direction of the AFN, the Institute of Fiscal Studies and Democracy (IFSD) developed a needs-based, bottom-up, and results-based funding model for FNCFS and is working with First Nations to test the proposed funding model, including those asserting jurisdiction under the Act. The research on funding was completed in March 2024 and has been instrumental to the AFN's advocacy for greater First Nations care, control, and delivery of FNCFS.



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Per Resolution 40/2022, *To Ensure Quality of Life to the First Nations Child and Family Services Program and Jordan's Principle*, the AFN advocates ensure that reforms are based on evidence, respect First Nations rights, and ensure substantive equality, best interests of children and appropriate services that reflect the distinct needs and circumstances of First Nations. The resolution calls for revised timelines to reach an FSA on long-term reform to allow for engagement to ensure 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 the IFSD's research over the 2023-24 fiscal year. The AFN will continue to uphold First Nations' rights to FPIC on matters of long-term reform of FNCFS through upcoming engagements.

Following the Federal Court of Canada's approval of the FSA on compensation in October 2023, the AFN has participated in work to develop the Distribution Protocol relating to the Removed Child and Removed Child Family Class. The Distribution Protocol was subject to national and regional engagement over February and March 2024 to enhance the proposed process and mitigate issues that First Nations have experienced from previous settlements. The Distribution Protocol will proceed to the Federal Court of Canada for endorsement in June 2024, with further phases of distribution for other classes to follow.

On February 9, 2024, the SCC ruled that the Act in whole is constitutional, including the two sections found unconstitutional by the Quebec Court of Appeal. In its decision, the SCC also endorsed the creativity of the co-drafted legislation as a viable alternative to affirm the Inherent Right of First Nations and other distinctions-based rights-holders. Federal Budget 2024 committed \$1.8 billion over 11 years to support communities exercising jurisdiction under the Act.

Next Steps

The AFN continues to advocate for First Nations children and families in negotiations on long-term reform of FNCFS guided by First Nations-led research, engagement, and relevant CHRT orders. The AFN co-chairs the Expert Advisory Committee to reform Indigenous Services Canada to prevent the recurrence of discrimination within the department. The AFN will lead engagement with First Nations on long-term reform, towards seeking approval of a Final Settlement Agreement on long-term reform in 2024 and 2025.

The AFN will continue to advocate for First Nations impacted by discrimination in the FNCFS Program at the CHRT and Federal Court of Canada. Once the initial Distribution Protocol is approved, development of the Jordan's Principle and Kith Classes will begin. The AFN is committed to ensuring that the compensation process is trauma-informed and that claimants are supported by wellness services. The AFN has established an information line to learn about compensation and long-term reform, available at 1-888-718-6496.

The AFN will continue to advocate for sustainable and adequate statutory funding for First Nations to exercise their jurisdiction and establish their own child and family laws under the Act.

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First Nations Health

History

The Assembly of First Nations (AFN) Health Sector promotes transformative change through equitable resourcing, culturally safe and skilled capacity, and improved relationships among sectors along the continuum of care to support First Nations-led healthcare services and programs. This approach is grounded in the recognition of inherent First Nations and Treaty Rights to health. AFN resolutions, passed by First Nations-in-Assembly, drive the Health Sector's advocacy. The Chiefs Committee on Health (CCOH), the First Nations Health Technicians Network, and various Health Sector committees inform the AFN on regional perspectives and priorities.

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, and adhere with the Treaty Right to Health as foundations to move towards resilience and growth.

AFN's recent advocacy

Health legislation has the potential to significantly improve First Nations health outcomes. Resolution 79/2023, *Reconsider Distinctions-Based Indigenous Health Legislation*, mandates the federal government to commit to investments into First Nations regional engagements, amend legislative timelines and to align with inherent and Treaty rights. Indigenous Services Canada has signalled a willingness to work with First Nations to identify a strategic pathway to introduce health legislation that meets the needs of First Nations. The AFN is developing an inventory of regional First Nations priorities to articulate a First Nations Key Elements document to frame the dialogue.

First Nations clients, leadership, and providers continue to encounter policy and service challenges with the Non-Insured Health Benefits (NIHB) program, as disclosed to NIHB Navigators (representing all regions) and summarized in 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*. The latest NIHB-related resolution, Resolution 97/20, *NIHB Coverage for Naturopathic Medicine*, directs the AFN to advocate for the Government of Canada to amend the NIHB Program to include coverage for the services provided by naturopathic doctors. The AFN is in discussions with partners in advocating for NIHB coverage to include allied health services.

Mental Wellness remains a priority, including addressing issues like substance misuse, suicide prevention and recovery from Residential School trauma towards resilience. Ancestral approaches include land-based healing and restoration of strengths-based, culture-informed environments. The AFN will be engaged in discussions with the federal government on the proposed distinctions-based mental wellness strategies, as outlined in Budget 2024.



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The AFN is also engaged with partners to eliminate tuberculosis, address anti-Indigenous racism in the health care system, increase digital health services, and implement data sovereignty. There is also collaboration with other AFN Sectors to focus on emerging themes and gaps in the social determinants of health, such as emergency management, climate change, housing, and homelessness.

Next Steps

The AFN will prioritize several engagement processes with First Nations over the coming months, including:

- Envisioning a path towards First Nations health legislation, with particular attention to rights-based alignment, realistic timelines, and opportunities for regional dialogues.
- 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.
- Creating tools to ensure First Nations orientation to and alignment with the Accessible Canada Act, which comes into affect in 2026.
- Designing and implementing a National Forum on First Nations Health and Wellness.

The AFN will continue to liaise with the CCOH and other First Nations- mandated representatives to inform advocacy in Budget 2025, as part of the AFN's Pre-Budget Submission process. This work will include supporting AFN leadership in meeting with federal government representatives and officials to identify targeted investments to improve health outcomes for First Nations.

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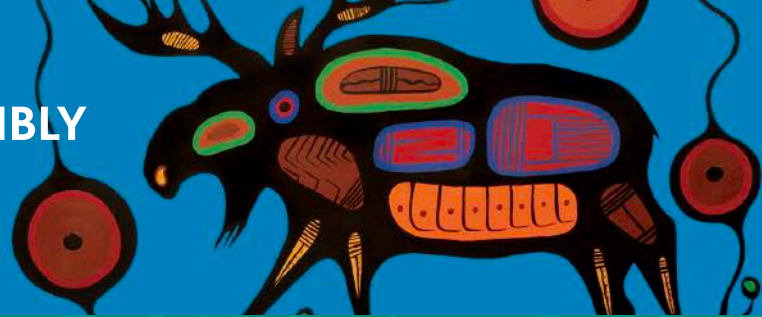


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First Nations Languages Funding Formula

History

The Assembly of First Nations (AFN) has been working with the Department of Canadian Heritage (DCH), the Technical Committee on Languages (TCOL), and the Chiefs Committee on Languages (CCOL) on the implementation of the First Nations Languages Funding Model which includes revising the Regional Allocation Formula (RAF). This revision process includes introducing new factors and weightings for each of the factors to the formula. The current status quo formula was developed by Canadian Heritage, and includes a base amount plus an additional amount based on the number of languages spoken in the region.

AFN Resolution 76/2023, *Support for Urgent First Nations Languages* directs the AFN, the CCOL, and the TCOL to codevelop a funding allocation methodology that is consistent with AFN Resolution 17/2022, *Support for the First Nations Language Funding Model*, for any new funding and seek to bring a consensus-based recommendation back to the First Nations-in-Assembly in July 2024.

In 2023, First Nation-in-Assembly were not able to come to consensus on a new RAF at the AFN Annual General Assembly. Without direction from First Nations, DCH decided to continue to apply the status quo RAF on the Indigenous Language Component (ILC) funding over the next five years, to ensure an effective transition to longer-term ongoing funding agreements. This includes funding provided to the program through both the 2019 and 2021 Federal Budget.

AFN's recent advocacy

2024 Federal Budget provided \$225 million over five years for Indigenous languages and an ongoing \$45 million thereafter. Approximately \$31 million is estimated to go to First Nations languages annually. For 2024-2025 this equals a combined total of around \$85M ongoing from both Budget 2019 and 2024 commitments. This investment falls short of the \$3.8 billion over five years identified in AFN's Pre-budget Submission to fully support First Nations language revitalization efforts.

To advance the work on the RAF, a CCOL recommendation was passed on October 5, 2023, that directs the members of the TCOL to work with their regions to develop proposed weightings for a revised RAF. First Nation have the opportunity to provide a new RAF that would be applied to 2024 funding. To date, the TCOL and CCOL have not been able to reach a consensus on a new RAF. Given First Nation's regional diversity and uniqueness, along with an underfunding of language programming, the factors affect regions differently. The Government of Canada continues to underfund the Indigenous Language Act and the ILC.



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Next Steps

The AFN will conduct research on the RAF factors including number of languages, population, language vitality, number of First Nations, and remoteness, with the intent to develop First Nations driven data sources. It is anticipated that this research will take approximately 16 months to complete between 2024-2026. The AFN will continue to advocate for the full implementation of the ILA with a focus on adequate, sustainable, long-term funding for First Nation Languages.

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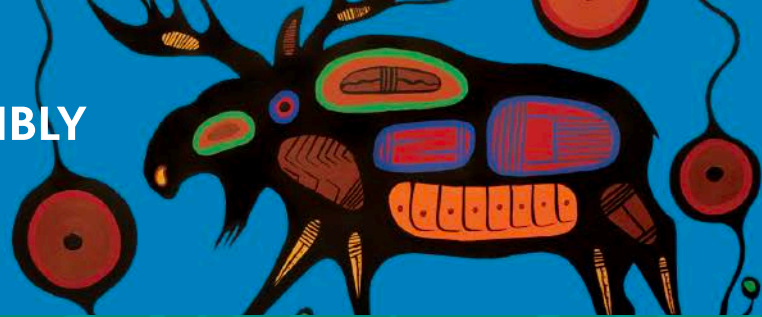


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Indigenous Languages Act Review

History

On June 21, 2019, the *Indigenous Languages Act* (ILA) received Royal Assent. The ILA is meant to support the efforts of Indigenous peoples to reclaim, revitalize, maintain and strengthen Indigenous languages. Section 49 of the ILA calls for an independent review of the ILA, including the activities of the Office of the Commissioner of Indigenous Languages. This review must be initiated within five years of the section coming into effect and will reoccur every five years thereafter. The independent review must proceed by October 1, 2025. Section 49.1 calls for a committee of Parliament, the Senate, or both to commence a parliamentary review of the Act, its administration, and its operation. This review must commence as soon as is feasible after three years of the section coming into effect.

AFN's recent advocacy

The AFN meets bi-monthly with the Joint Implementation Steering Committee (JISC), made up of members from the Government of Canada, the Assembly of First Nations, Métis National Council, and Inuit Tapiriit Kanatami to discuss the implementation of the ILA. Together, the JISC discussed the scope and timeline of the independent review, reviewer qualifications, and review board structure. The AFN is developing a document to guide the JISC in the development of these processes. The AFN is advocating that funds for the review do not come from the Indigenous Languages Component budget and are instead sought from other sources such as the Office of the Commissioner on Indigenous Languages.

The AFN has repeatedly discussed with government the legal requirement for a parliamentary review to be undertaken but had been told that there is a multi-year backlog of reviews in Parliament. Despite this, on April 9, 2024, The Standing Senate Committee on Indigenous Peoples commenced the parliamentary review of the Act.

In 2022, First Nation-in-Assembly adopted Resolution 47/2022, *First Nation Languages—A Defined and Enforceable Right*, which calls on the Government of Canada to work with First Nations to amend the operative clauses of the Indigenous Languages Act to adopt Article 14 of the United Nations Declaration on the Rights of Indigenous Peoples.



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Next Steps

The AFN will share the independent review guiding document with the Technical Committee on Languages for input. Following this feedback, the AFN will return to the JISC with a document outlining its preferred approach to the independent review by fall 2024.

The AFN will support First Nations and seek to stand as a witness to the parliamentary review. The AFN is currently developing documents to support an appearance. The AFN will advocate for amendments to the ILA as directed by First Nations and through Resolution 47/2022.

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Income Assistance and Social Programs

History

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

AFN's recent advocacy

For over a decade, the Assembly of First Nations (AFN) has advocated for ISC to reform the IA Program and for extended funding and expanded access to Case Management and Pre-employment Supports. Between 2018 to 2020, ISC funded First Nations-led engagements on the IA Program, which identified significant gaps in the program that failed to meet the needs of First Nations clients, case managers, and communities, including 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), leveraging the First Nations-led engagements. First Nations-in-Assembly supported the policy recommendations through Resolution 07/2022, *Reform of the On-Reserve Income Assistance Program*. These recommendations included First Nations governance over the IA Program to meet IA client and family needs, increasing IA rates to account for the actual cost of living on-reserve, strengthening wrap-around supports for IA clients, particularly those with special and additional needs, increased resources and resourcing to support administration and case managers, First Nations-designed data strategies and collection, and infrastructure investments to enable First Nations to administer their own IA Program. Although ISC utilized the co-developed policy recommendations to inform their Memorandum to Cabinet in 2023, and the Cabinet supported these First Nations-developed policy recommendations, Federal Budget 2023 and subsequent budgets did not allocate the necessary investments to implement these reforms. The AFN advocated for \$2.34 billion over five years to ensure the IA Program can better meet the needs of IA clients by adjusting for inflation and population growth. Despite these efforts, investments allocated to the IA Program in Federal Budget 2024 were significantly lower.

In June 2023, 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*, received Royal Assent. This legislation establishes the Canada Disability Benefit (CDB) to support working-aged individuals with disabilities; however, the legislation does not contain provisions specific to the needs of First Nations with disabilities. Budget 2024 proposed an investment of \$6.1 billion over six years for the CDB and up to \$2,400/year for low-income persons with disabilities.



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Budget 2024 also proposed to invest \$213.5 million over five years to provide income support for Indigenous people with disabilities, providing comparable supports to those offered at the provincial and territorial levels. The AFN will continue to seek opportunities to advocate for the meaningful inclusion of First Nations' priorities and considerations in the implementation of these new benefits.

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 AFN will continue to assess the financial resources for reform of the IA Program through the TWGSD as supported through AFN Resolution 85/2023, *Support for the Technical Working Group on Social Development to Continue Income Assistance Program Reform*.

As directed by AFN Resolution 58/2023, *A Study on First Nations Guaranteed Liveable Income*, the AFN is seeking funding to conduct a study on First Nations concerns and priorities regarding a guaranteed livable income and the fiscal impacts and policy opportunities it presents for the IA Program. The AFN will continue to seek opportunities to advocate for the meaningful inclusion of First Nations priorities and considerations in the legislation and implementation.

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Jordan's Principle

History

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

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

AFN's recent advocacy

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

Pursuant to AFN Resolution 84/2023, *Continuation of Funding at Actuals for Post-Majority Support Services and Support for High Needs Jordan's Principle Recipients*, the AFN advocated for an investment of \$2.485 billion over five years to extend the age of majority for Jordan's Principle to age 26. However, Federal Budget 2024 did not make the necessary investments to meet the needs of youth aging out of Jordan's Principle eligibility.

In March 2024, the AFN hosted a Jordan's Principle Service Coordinator Gathering in Montreal, Quebec, bringing together over 230 Jordan's Principle Service Coordinators and other community-level employees who support First Nations children to access the services and supports they need. Participants learned about the AFN's advocacy on Jordan's Principle, discussed needs such as infrastructure and post-majority supports, and shared practices for service coordination and administration.



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Next Steps

The AFN will continue to advocate for First Nations children and families in proceedings at the CHRT related to Jordan's Principle, guided by First Nations-led research, engagement and relevant CHRT orders, as well as in the work towards a long-term approach for Jordan's Principle. The AFN will continue to advocate for investments and policy changes to enable post-majority supports for youth aging out of Jordan's Principle eligibility and looks forward to hosting the next Jordan's Principle Service Coordinator Gathering in early 2025.

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International Advocacy

History

The AFN actively engages in international advocacy to advance First Nations Inherent and Treaty rights, title, and jurisdiction. Over the last year, the AFN's international advocacy focused on several key areas, including biodiversity (COP15), climate change (COP28), water (UN Water Conference and High-Level Political Forum on Sustainable Development), disaster risk reduction (UN Regional Platform for Disaster Risk Reduction), and Indigenous rights (UN Permanent Forum on Indigenous Issues and a meeting with the High Commissioner on Human Rights).

AFN's recent advocacy

The AFN actively advocates for First Nations' rights and interests in various international fora. The AFN's delegation participated in the 15th meeting of the Conference of the Parties (COP15) Convention on Biological Diversity, where they organized and participated in panels on Indigenous-led conservation over lands and waters. The resulting Kunming-Montreal Global Biodiversity Framework identified Indigenous-led conservation as a core pillar. The AFN also developed a report with recommendations on how the Government of Canada can better support First Nations in establishing Indigenous Protected and Conserved Areas (IPCAs).

In the area of climate change, an AFN delegation attended the 28th session of the Conference of the Parties (COP 28) of the UN Framework Convention on Climate Change (UNFCCC) in the United Arab Emirates in December 2023. A position paper titled, *Advancing and Affirming First Nations Climate Leadership at COP 28*, was prepared to outline First Nations priorities, advocating for urgent and transformative climate action.

The AFN participated in Canada's Universal Periodic Review (UPR). The UPR is a unique process that involves a review of the human rights records of all UN Member States. The ultimate aim of the UPR is to improve the human rights situation in all countries and address human rights violations wherever they occur. The AFN provided an annex to Canada's national report and worked with other member states to bring forward recommendations that reflect First Nations priorities. The AFN also provided feedback to Canada on UPR recommendations, advocating for the implementation of recommendations that address violations of First Nations' human rights.

In March 2024, National Chief Cindy Woodhouse Nepinak attended the United Nations Commission on the Status of Women (UNCSW) as part of the Canadian delegation. The UNCSW is focused on gender equality and women's empowerment. The AFN participated in sessions on addressing poverty; strengthening institutions; and financing with a gender perspective.

In April 2024, an AFN delegation attended the *United Nations Permanent Forum on Indigenous Issues* (UNPFII). The theme of this year's permanent forum was *Enhancing Indigenous Peoples' right to self-determination in the context of the United Nations Declaration on the Rights of Indigenous Peoples: emphasizing the voices of Indigenous youth*. The AFN participated in sessions on the enhanced participation of Indigenous Peoples; financing Indigenous Peoples participation in climate, environment, and biodiversity; and improving the health and wellness of Indigenous Peoples.



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The AFN also provided submissions to the Expert Mechanism on the Rights of Indigenous Peoples for a study on the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* and to the Special Rapporteur on the Rights of Indigenous Peoples for a study on Indigenous Persons with disabilities.

Next Steps

Moving forward, the AFN will continue to prioritize and coordinate international advocacy efforts to advance First Nations' rights and interests. The AFN continues to monitor upcoming international events and prepare submissions and position papers to ensure that First Nations' voices are heard on the global stage.

The AFN plans to send a delegation to the following international events:

- United Nations Summit of the Future in September 2024
- 16th meeting of the Conference of the Parties to the Convention on Biological Diversity in October 2024
- 29th Session of the Conference of the Parties UN Framework Convention on Climate Change (UNFCCC) in November 2024
- International Union Against Tuberculosis and Lung Disease World Conference on Lung Health in November 2024

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Parliamentary Monitoring

History

The Assembly of First Nations (AFN) actively participates in Parliamentary processes to advance First Nations Inherent and Treaty rights, title, and jurisdiction. Based on mandates provided by First Nations-in-Assembly, the AFN seeks out opportunities to engage with Members of Parliament and Senators on bills and studies that may affect First Nations rights. The AFN closely monitors parliamentary activities, provides submissions and testimony to Committees, and engages directly with parliamentarians.

AFN's recent advocacy

The AFN's recent advocacy focused on the following bills and committee studies:

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

The AFN participated in the Standing Committee on Indigenous and Northern Affairs (INAN) study of Bill C-53 and recommended that Bill C-53 be withdrawn, and that a national consultation process be developed with First Nations to ensure that all potential impacts of this legislation are thoroughly considered. The AFN called for immediate steps to ensure that First Nations rights and interests would be upheld in accordance with the *United Nations Declaration on the Rights of Indigenous Peoples* (the UN Declaration).

Bill C-27, Digital Charter Implementation Act, 2022

Bill C-27 would introduce three separate pieces of legislation that address the personal information collected during commercial activity, establish a Tribunal to address complaints, and introduce provisions to govern Artificial Intelligence. The AFN provided a submission to Committee to address issues with this bill, including minimal engagement with First Nations in the development of this legislation. The AFN identified potential negative impacts on First Nations rights and interests, particularly with respect to self-government, data sovereignty, and free, prior, and informed consent.

Bill C-322, An Act to Develop a National Framework to Establish a School Food Program

In a written submission the AFN advocated to the need for the development of a national framework in Canada that will play a crucial role in the holistic development of First Nations children, contributing to their educational success, long-term health, and cultural identity. The Government of Canada must recognize First Nations jurisdiction, traditional practices, and need for food infrastructure supports as it develops the framework for the National School Food Program. First Nations must be leaders in the rollout of this program to ensure it meets the needs of their communities, which often face unique challenges such as extreme food prices, remote and isolated food shipments, economies of scale disadvantages, and intergenerational health conditions.



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Division 28 of Part 4 of Bill C-69, An Act to implement certain provisions of the budget tabled in Parliament on April 16, 2024

Among other changes, the Bill makes substantive amendments to the Impact Assessment Act (IAA), ostensibly to bring it in line with what the Supreme Court of Canada views as constitutional. In their advocacy, the AFN raised three points to Committee 1) First Nations participation in the creation and implementation of the Impact Assessment Act; 2) Amending legislation in an era of the UN Declaration on the Rights of Indigenous Peoples Act; and 3) Specific areas of amendments to strengthen the recognition of First Nations rights, knowledge systems, and jurisdiction.

Senate Study: Examine the implementation of the United Nations Declaration on the Rights of Indigenous Peoples Act, 2021 by Canada and First Nations, Inuit and Métis peoples

The AFN participated in a study by the Standing Senate Committee on Indigenous Peoples (APPA). The AFN raised concerns over a lack of funding for First Nations-led initiatives; a lack of government mandates to implement Action Plan Measures (APMs); and a lack of whole-of-government approaches to implementation. The AFN also recently provided a submission to the Expert Mechanism on the Rights of Indigenous Peoples on implementation of the United Nations Declaration in Canada that informed the AFN's testimony to the APPA Committee.

Indigenous Peoples and the Canadian Human Rights Framework - National Inquiry into Missing and Murdered Indigenous Women and Girls' Call for Justice 1.7

The AFN participated in a study by the APPA committee on Call for Justice 1.7, which calls on all governments to establish a National Indigenous and Human Rights Ombudsperson and a National Indigenous Human Rights Tribunal. Interim National Chief, Joanna Bernard, appeared before the Committee to emphasize the importance of this Call for Justice. Interim National Chief Bernard also called on all governments to commit to implementing Call for Justice 1.7, address potential barriers, and provide adequate resources.

Freshwater study

The AFN provided an addendum to the Standing Committee on Environment and Sustainable Development (ENVI) Freshwater Study to provide additional information for a study on Freshwater. The addendum reflected recent developments, including the creation of a UN Declaration Action Plan and the release of the AFN National Climate Strategy.



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Population Sustainability of Yukon Salmon Stocks

The AFN submitted a written brief to the Standing Committee on Fisheries and Oceans (FOPO) to share its views in relation to Yukon River Chinook Salmon of Canadian-origin. Yukon River Chinook salmon are in a long-term state of decline. Since a pronounced stock crash in 2000-2001, there has been a clear trend of declining size and abundance. There are many factors that have contributed to these unprecedented low returns. As such, the AFN made recommendations to FOPO seeking to better understand key threats to freshwater habitat, such as habitat destruction associated with placer mining and other development projects, and linking those threats to the regulations and policies that permit threats to continue.

The AFN continues to monitor bills and studies that are relevant to First Nations.

Royal Assent

The AFN advocated on the following bills that have since received royal assent.

C-29, An Act to provide for the establishment of a national council for reconciliation

The AFN advocated in both the House of Commons and the Senate for additional appointments of First Nations representatives to the National Council for Reconciliation. The AFN also highlighted the lack of permanent funding, and the need to use UN Declaration as a framework to implement this legislation. An Act to provide for the establishment of a national council for reconciliation received royal assent on April 30, 2024.

C-35, An Act respecting early learning and child care in Canada

The AFN provided a submission to the House of Commons Standing Committee on Human Resources, Skills and Social Development and Status of Persons with Disabilities (HUMA), highlighting recommendations concerning First Nations Inherent rights, engagement, and statutory funding. Interim National Chief, Joanna Bernard, also appeared before the Senate Standing Committee on Social Affairs, Science and Technology (SOCI), to raise these concerns. *An Act respecting early learning and child care in Canada* received royal assent on March 19, 2024.



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Next Steps

Parliament is scheduled to rise for summer break on June 21, 2024. Based on mandates from First Nations-in-Assembly, the AFN will continue to advocate on the following (among others):

- Bill C-53, *Recognition of Certain Métis Governments in Alberta, Ontario and Saskatchewan and Métis Self-Government Act*;
- Bill C-61, *An Act respecting water, source water, drinking water, wastewater and related infrastructure on First Nation lands*;
- Bill C-38, *An Act to amend the Indian Act (new registration entitlements)*;
- Bill S-268, *An Act to amend the Criminal Code and the Indian Act*;
- Bill S-250, *An Act to amend the Criminal Code (sterilization procedures)*;
- Bill S-251, *An Act to repeal section 43 of the Criminal Code (Truth and Reconciliation Commission of Canada's call to action number 6)*; and
- Population sustainability of Yukon Salmon Stocks;

A Parliamentary Wrap-Up for the 2023–2024 sitting period outlining advocacy starting from September 2023 will be produced when the House of Commons and Senate rise.

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