**Crown-Indigenous Relations and Northern Affairs Canada and Indigenous Services Canada’s Contribution to the
United Nations Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) Study on efforts undertaken by member states on recognition, reparation and reconciliation initiatives in the last 10 years**

The Expert Mechanism on the Rights of Indigenous Peoples shall identify, disseminate and promote good practices and lessons learned regarding the efforts to achieve the ends of the Declaration, including through reports to the Human Rights Council on this matter.

The Expert Mechanism’s “Concept Note” – provided to Member states – states its intent to draw from information received from a broad variety of stakeholders (including Canada) on the matter of recognition, reparation, and reconciliation initiatives within the last 10 years. The main sections below are outlined as per the “Concept Note” to provide input on various foundational measures/processes that have been put in place such as truth and reconciliation commissions and inquiries, peace agreements, special tribunals, constitutional review processes, post conflict situations, official apologies, national criminal proceedings, targeted legislation, official archives, and historical projects.

The Expert Mechanism will compile this information to analyze how different processes’ approach Indigenous Peoples’ rights, how they are identified in the processes, what policies, programmes, and initiatives are taken by states, how these are implemented and monitored, including lessons learned.[[1]](#footnote-1)

Contents

[1. Outline of Truth and Reconciliation Commissions and Inquiries in the last 10 years that dealt/deal with the rights of Indigenous Peoples 5](#_Toc3301764)

[United Nations Declaration on the Rights of Indigenous Peoples 7](#_Toc3301765)

[2. Transforming the Relationship (Indigenous Rights, Indigenous Peoples’ participation, policies or programs adopted by Canada, and implementation/monitoring of recommendations or decisions made) 8](#_Toc3301766)

[Specific Claims (1982 to present) 9](#_Toc3301767)

[Powley Decision (2003) 10](#_Toc3301768)

[Legislative Initiatives to Support Indigenous Self-Determination (2009-2019) 10](#_Toc3301769)

[Development of the Comprehensive Land Claims Interim Policy: the Eyford National Engagement (2014) and Final Report (2015) 11](#_Toc3301770)

[Recognition of Indigenous Rights and Self-Determination discussions (2015 to present) 13](#_Toc3301771)

[Collaborative Self-Government Fiscal Policy Development Process (2016 to present) 14](#_Toc3301772)

[The Isaac National Engagement and Final Report (2015) 15](#_Toc3301773)

[Federal engagement on the development of legislation and policy on the recognition and implementation of Indigenous rights (2018 to present) 16](#_Toc3301774)

[Permanent Bilateral Mechanisms 17](#_Toc3301775)

[Education 18](#_Toc3301776)

[Employment/Skills Training 19](#_Toc3301777)

[Health 20](#_Toc3301778)

[Children and Families 21](#_Toc3301779)

[Housing 22](#_Toc3301780)

[Food Security 22](#_Toc3301781)

[Poverty/Income Assistance 23](#_Toc3301782)

[Safety and Policing 23](#_Toc3301783)

[The Province of British Columbia 23](#_Toc3301784)

[Canada’s International Human Rights and Other Commitments: Overriding Principles in achieving the 2030 Agenda 25](#_Toc3301785)

[3. Special tribunals (national) 27](#_Toc3301786)

[4. Constitutional review processes 28](#_Toc3301787)

[5. Review of Laws and Policies 30](#_Toc3301788)

[6. Official apologies 30](#_Toc3301789)

[Newfoundland and Labrador Residential Schools (2017) 31](#_Toc3301790)

[Tsilhqot’in (2018) 31](#_Toc3301791)

[1923 Williams Treaties (2018) 32](#_Toc3301792)

[Ahiarmiut (2019) 32](#_Toc3301793)

[Sayisi Dene (2016) 33](#_Toc3301794)

[7. Agreements and Settlements 33](#_Toc3301795)

[*Indian Residential Schools Settlement Agreement* (2007) 33](#_Toc3301796)

[*Tsawwassen Treaty* (2009) 34](#_Toc3301797)

[*Sioux Valley Dakota Nation Governance Agreement Act* (2013) 34](#_Toc3301798)

[Listuguj (2015) 35](#_Toc3301799)

[*Délı̨nę Final Self-Government Agreement Act* 2015 (Bill C-63) 35](#_Toc3301800)

[Ipperwash (2016) 36](#_Toc3301801)

[Anderson class action litigation (2016) 36](#_Toc3301802)

[Inuit Nunangat Declaration on Inuit-Crown Partnership (2017) 37](#_Toc3301803)

[*Canada-Métis Accord* (2017) 37](#_Toc3301804)

[*Cree Nation Governance Agreement* (2017) 37](#_Toc3301805)

[*Sixties Scoop Settlement Agreement* (2017) 38](#_Toc3301806)

[*Anishinabek Nation Education Agreement Act* (2018) 38](#_Toc3301807)

[Lubicon (2018) 39](#_Toc3301808)

[8. Historical projects 39](#_Toc3301809)

[War of 1812 Commemoration (2012) 39](#_Toc3301810)

[250th anniversary of the Royal Proclamation of 1763 (2013) 39](#_Toc3301811)

[9. Information on the participation of Indigenous Peoples in the adoption of these measures/processes 40](#_Toc3301812)

## Outline of Truth and Reconciliation Commissions and Inquiries in the last 10 years that dealt/deal with the rights of Indigenous Peoples

The government-sponsored religious residential school system in Canada left an intergenerational impact on Indigenous Peoples. The earliest recorded residential school was found in 1831 in Ontario, and the last to close was in Saskatchewan in 1996. The mandate of these schools was to assimilate Indigenous children to fit European-Canadian culture. Rooted in pre-19th century Christian missionary education movements, churches and the Canadian government attempted to convert Indigenous children, disrupting their way of life, isolating these children from their families and segregating them from the cultural and linguistic foundations that contributed to their identities and sense of self. There are an estimated 150,000 students who attended these schools and an estimated 6,000 who died.

To reconcile and heal from the abuse victims from this system had to endure, and bring closure to this legacy, and based on the recommendations of the *Indian Residential Schools Settlement Agreement*, the Government of Canada launched the Truth and Reconciliation Commission of Canada on June 2, 2008. The Commission’s purpose was to document the history and lasting impacts of the Indian Residential School system through public and private meetings held across Canada. It also builds upon the January 7, 1998 “Statement of Reconciliation” with a mandate to work towards a healthier and stronger future with a profound commitment to establishing relationships embedded in mutual recognition and respect.[[2]](#footnote-2)

The Government of Canada provided approximately $72 million (CDN) to support the work of the Commission, and following the 2009 appointment of commissioners Justice Murray Sinclair, Chief Wilton Littlechild, and Marie Wilson, the Commission spent six years travelling across Canada, hosting seven national events and several regional and community level events, to engage the Canadian public, educate people about the history and legacy of the residential schools system, and share and honour the experiences of former students and their families. There were 238 days of local hearings in 77 communities, and over 6,750 statements were received from survivors, families, and other individuals.[[3]](#footnote-3)

By 2015, the Commission wrapped up the end of its mandate producing summary reports, including its final report *Honouring the Truth, Reconciling for the Future* which includes the 94 Calls to Action. In this report, the Commission stated that reconciliation is an ongoing process to foster respectful relationships between Indigenous and non-Indigenous Peoples and to be aware of the history and legacy of residential schools in Canada and the harm it caused and “action to change behaviour.”[[4]](#footnote-4) The Government of Canada is committed to fully implementing all 76 Calls to Action that fall under the jurisdiction of the federal government alone or shared federal, provincial, and territorial jurisdiction. In terms of implementation, process is important considering that many of the Calls to Action require long-term attention and sustained funding.

On December 14, 2017, the Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations announced the appointment of the Interim Board of Directors for the National Council for Reconciliation. The establishment of an Interim Board of Directors signaled a significant first step in creating an independent National Council of Reconciliation that will monitor and track all Government of Canada commitments to advance reconciliation, including the implementation of the Truth and Reconciliation Commission Calls to Action and report progress to Parliament and Canadians. On June 12, 2018, the Interim Board members released their final report, in which they provide advice and options on the establishment of a National Council for Reconciliation. This supports the implementation of Truth and Reconciliation Commission Calls to Action 53-56.

That same year, the Right Honourable Prime Minister Justin Trudeau, announced that the federal government will change the name of National Aboriginal Day to National Indigenous Peoples Day. The Prime Minister also announced plans to transform the 100 Wellington building across from Parliament (the former United States Embassy in Ottawa, Ontario) into a new space for Indigenous Peoples that would reflect the vision of Indigenous Peoples and the spirit of reconciliation.

In February 2018, the Government of Canada supported the creation of a National Centre for Truth and Reconciliation for initial development of, and community consultation regarding the National Residential School Student Death Register. The Register will list the children who never returned from the residential schools. The Government of Canada works closely with the National Centre for Truth and Reconciliation to fulfill its recommendation to establish the Register and continues to work with residential school survivors, Indigenous communities, provinces, territories, and educators to incorporate Indigenous and treaty rights, residential schools, and Indigenous contributions into school curricula.

The Government of Canada has made significant progress on implementing the 94 Calls to Action under federal or shared responsibility with the provinces and territories, working with partners to accelerate progress on all Calls to Action. On May 14, 2018, the Government of Canada released a web page entitled, “Delivering on Truth and Reconciliation Commission Calls to Action,” [[5]](#footnote-5) in which Canadians can review in what ways the federal government is responding to the Calls to Action. To date, progress has been made on advancing over 80 per cent of the Calls to Action under federal or shared purview.

In September 2018, the federal government supported Private Members Bill C-369 to establish a National Day for Truth and Reconciliation as a statutory holiday. Bill C-369 addresses the Truth and Reconciliation Commission Call to Action 80.

### United Nations Declaration on the Rights of Indigenous Peoples

In November 2010, Canada issued a Statement of Support endorsing the *United Nations Declaration on the Rights of Indigenous Peoples*. Five years later, the Prime Minister sent mandate letters to all Ministers which stated each department to contribute to a renewed, nation-to-nation relationship with Indigenous Peoples, based on recognition of rights, respect, co-operation, and partnership.

Indigenous and Northern Affairs Canada (which was subsequently renamed Crown-Indigenous Relations and Northern Affairs Canada) was specifically mandated to “support the work of reconciliation, and continue the necessary process of truth telling and healing, work with provinces and territories, and with First Nations, the Métis Nation, and Inuit, to implement recommendations of the Truth and Reconciliation Commission, starting with the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*.” It was on May 2016, that the Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations Canada (then Indigenous and Northern Affairs Canada) announced Canada’s full support, without qualification of the *United Nations Declaration on the Rights of Indigenous Peoples*. Canada’s support for the *United Nations Declaration on the Rights of Indigenous Peoples*, as a framework for reconciliation, will help advance the Truth and Reconciliation Commission Calls to Action 43-44 and support other Calls to Action related to the themes of justice, self-determination and self-governance.

On July 14, 2017, Canada issued 10 *Principles respecting the Government of Canada's relationship with Indigenous Peoples*, which will guide the work required to fulfill the Government’s commitment to renewed nation-to-nation, government-to-government, and Inuit-Crown relationships. These principles are rooted in section 35, guided by the *United Nations Declaration on the Rights of Indigenous Peoples*, and informed by the Report of the Royal Commission on Aboriginal Peoples, as well as the Truth and Reconciliation Commission’s Calls to Action. In addition, they reflect a commitment to good faith, the rule of law, democracy, equality, non-discrimination, and respect for human rights. They are a starting point to support efforts to end the denial of Indigenous rights that led to disempowerment and assimilationist policies and practices. The Government of Canada acknowledges that the understandings and applications of these Principles in relationships with First Nations, the Métis Nation, and Inuit will be diverse, and their use will be contextual.

In November 2017, former Minister of Justice and Attorney General of Canada, the Honourable Jody Wilson-Raybould, announced the Government of Canada’s support for Private Member’s Bill C-262, *An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples,* noting that the Bill alone will not achieve the Declaration’s full implementation and that a comprehensive approach will require other appropriate measures. If proclaimed into force, Bill C-262 would enact a legal framework to advance and monitor the harmonization of federal laws with the *United Nations Declaration on the Rights of Indigenous Peoples* over time.

In January 11, 2019, former Minister of Justice and Attorney General of Canada, the Honourable Jody Wilson-Raybould, issued the Directive on Civil Litigation Involving Indigenous Peoples. The Directive helps guide the Government of Canada’s legal approaches, positions and decisions taken in civil litigation involving Aboriginal and treaty rights, and the Crown’s obligations towards Indigenous peoples. Consistent with the *Principles Respecting the Government of Canada’s Relationship with Indigenous Peoples*, the Directive emphasizes the importance of resolving conflicts expeditiously and collaboratively, reducing the use of litigation and the courts.

## Transforming the Relationship (Indigenous Rights, Indigenous Peoples’ participation, policies or programs adopted by Canada, and implementation/monitoring of recommendations or decisions made)

The Government of Canada has been updating approaches to treaty-making in Canada. From early colonial contact to the 21st century, treaties focused on commercial compacts, peace and friendship treaties, territorial treaties and modern treaties. The current emphasis is to address the fulfilment of treaty obligations and to strengthen relationships therein between the Crown and Indigenous Peoples.[[6]](#footnote-6)

The frameworks for intergovernmental relationships between Indigenous Peoples and the federal Government of Canada - and where applicable with provincial and territorial governments - are often articulated through modern treaties or self-government agreements.

These modern treaties or self-government agreements establish Indigenous governments that are primarily responsible to their citizens, as well as establish a framework for intergovernmental relationships between Indigenous, federal and, where applicable, provincial, and territorial governments. These governments exercise control and law-making authority over a comprehensive range of areas, including governance, social and economic development, education, health, and lands. The federal government and Indigenous Peoples, together with the relevant province or territory, are continuing to negotiate self-government arrangements with interested Indigenous Peoples.

There are different methods by which Indigenous Peoples in Canada can secure ownership and control over their traditional territories, consistent with Article 26 of the United Nations Declaration on the Rights of Indigenous Peoples. Two of these methods are Comprehensive Land Claims Agreements and Self-Government Agreements.

Since 1973, Canada has signed 26 Comprehensive Land Claims Agreements (also referred to as Modern Treaties) and 4 stand-alone Self-Government Agreements covering more than 40 percent of Canada’s land mass. Currently, there are more than 100 Comprehensive Land Claims Agreements and Self-Government Agreements negotiating tables across Canada. These agreements are intended to provide certainty and clarity of rights to ownership and use of lands and resources.

Canada continues to reform the process by which governments negotiate treaties and other agreements through various initiatives. Below is a summary of such reforms and initiatives.

### Specific Claims (1982 to present)

“Specific claims” are claims made by a First Nation against the federal government which relate to the administration of land and other First Nation assets and to the fulfilment of pre-1975 treaties.

The specific claims policy, implemented in 1982, provides the framework for a process in which First Nations may seek, on a voluntary basis, to resolve their claims by means of negotiated settlement agreements. In 2007, the specific claims process underwent a fundamental reform as announced in the *Justice at Last* initiative. A key element of the reform was the enactment of the *Specific Claims Tribunal Act,* which was jointly developed by Canada and the Assembly of First Nations. The Act created the Specific Claims Tribunal, an independent adjudicative body with the authority to make binding decisions regarding the validity of specific claims and to award monetary compensation to a maximum value of $150 million (CDN) *per* claim.

To date, the Specific Claims Tribunal has rendered a total of 19 decisions regarding the validity of specific claims, (of which 15 have been in favour of the First Nation claimants), and 2 decisions regarding compensation. The total value of the compensation awarded by the Tribunal, to date, is $20,366,416.54 (CDN).

Canada continues to work with First Nations and First Nation organizations in the Assembly of First Nations-Canada Joint Technical Working Group, created in
June 2016, to find means to improve the approach to resolving Specific Claims. The Working Group has developed proposals for short- and longer-term process reforms focused on establishing a more collaborative and conciliatory approach to claims resolution.  To date, 58 specific claims settlement agreements have been concluded, including the 2017 historic Tripartite Agreement between Canada, the province of Ontario and the Williams Treaty First Nations that agreed to a process for formal negotiations to reach a joint resolution of the *Alderville* litigation. The *Alderville* litigation was filed by the seven Williams Treaties First Nations in 1992 and went to trial in 2012 and deals with a longstanding dispute about the making, terms, interpretation and implementation of the 1923 Williams Treaties.

### Powley Decision (2003)

Following the *Powley* Decision in 2003, which affirmed Métis Aboriginal rights under Section 35 of the *Constitution Act, 1982*, the federal government established the horizontal initiative known as the *Powley* Program. Federal funding was provided to develop self-managed Métis registries, to identify rights-holders, and to support outreach, education and engagement activities.

A new Federal approach in 2015 refocused efforts to advance reconciliation and renew the relationship with the Métis Nation in a new government-to-government relationship. Canada has entered into stable and predictable funding arrangements with the Métis National Council and the Governing Members of the Métis Nation, to strengthen organizational governance and institutional capacity towards greater self-governance and self-determination. Budget 2017 invested $84.9 million (CDN) over the next five years, and $28.3 million (CDN) per year ongoing, to build the governance capacity of the Métis National Council and its five provincial Governing Members. This will lay the foundation for a new relationship with Métis Peoples and support collaborative work with the federal government on moving toward Métis self-government and self-determination. Funding will also support Métis identification registries and the review of existing programs and services.

### Legislative Initiatives to Support Indigenous Self-Determination (2009-2019)

Canada introduced incremental, opt-in[[7]](#footnote-7) style governance legislation as pieces of a broader suite of mechanisms designed to support Indigenous peoples in advancing their self-determination and self-government. These initiatives are an important part of decolonizing Canadian law and legal orders to enable justice for Indigenous peoples.
In 2013, the *Family Homes on Reserves and Matrimonial Rights or Interests Act* was enacted, followed by the *First Nations Elections Act* in 2014.[[8]](#footnote-8) Legislative reforms continue to be one avenue that Canada explores in partnership with Indigenous Peoples as a means of moving towards reconciliation and rights-based relations.

### Development of the Comprehensive Land Claims Interim Policy: the Eyford National Engagement (2014) and Final Report (2015)

In 2014, the Government of Canada released its report on *Renewing the Comprehensive Land Claims Policy: Towards a Framework for Addressing Section 35 Aboriginal Right*. Canada’s original Comprehensive Land Claims Policy outlined the Government of Canada’s approach to negotiating treaties, recognizing the goal to encourage cultural and social well-being through land claims agreements. The policy originates from the 1973 Supreme Court of Canada ruling in the *Calder* case, involving Nisga’a claim over title to traditional lands in British Columbia, and was designed to lay out the principles to negotiate modern treaties. Canada's policy approach to treaty negotiations has evolved significantly since 1973, and beyond the 1986 Comprehensive Land Claims Policy, through discussions with Indigenous partners and provincial or territorial governments at negotiating tables as a result of various court decisions.

Indigenous groups, provincial and territorial governments and others had long called for renewed federal approaches to accelerate progress in treaty making to advance reconciliation. The Government of Canada was looking at ways to address these issues.

On July 28, 2014, the then-Minister of Aboriginal Affairs and Northern Development Canada announced the appointment of Douglas Eyford as a Ministerial Special Representative to lead engagement with Indigenous groups and other key stakeholders to renew and reform the Comprehensive Land Claims Policy, as part of a new framework for addressing Section 35 Aboriginal rights. As a starting point for dialogue, the department released an Interim Policy update to the original 1986 policy *Renewing the Comprehensive Land Claims Policy: Towards a Framework for Addressing Section 35 Aboriginal (Constitutional) Rights.*

In Canada, the *Constitution Act* of 1982recognizes and affirms the rights of Indigenous Peoples. Section 35 of the *Act* states that “the existing Aboriginal and treaty rights of the Aboriginal Peoples of Canada are hereby recognized and affirmed.”We note thatsection 35 provides a constitutional framework through which the rights of Indigenous Peoples are recognized and protected, and may be reconciled with the rights of non-Indigenous Canadians.

Under section 35, the term “Aboriginal rights” refers to the inherent and ongoing rights of Indigenous Peoples, and the special legal status they hold in Canada. The term “treaty rights” refers to rights established through treaties and negotiated land claims agreements between Indigenous Peoples and the Crown. The term “Aboriginal Peoples” refers to three distinct and broader groups of People: First Nations, Inuit, and Métis.

In summary, section 35 of Canada’s *Constitution Act*, which has been interpreted in numerous subsequent Supreme Court of Canada decisions – has been the main legal basis for the Government of Canada to develop policies based on its understanding of the recognition of Indigenous rights. Through federal policy, the Government of Canada acknowledges that the rights recognized and affirmed by section 35 include the inherent right to self-government and title to lands.

The Interim Policy was shaped by engagement with negotiating partners since 2009 to try to identify solutions to address key impediments to the conclusion of agreements and accelerate progress in the negotiation of treaties. It was intended to be a starting point for dialogue that responded to calls for change in key areas, including:

* new principles to guide treaty making based on recognition and reconciliation that were jointly developed with First Nation leaders through the Senior Oversight Committee on Comprehensive Claims;
* more flexible options and tools for addressing Indigenous rights in the short and medium term both inside and outside of treaty negotiations;
* shifting the focus from settling claims to reconciling rights on an ongoing basis; and
* clarifying how Canada supports Indigenous groups to resolve their shared territory disputes where these issues arise in the context of treaty negotiations.

Over the next six months subsequent to his appointment in 2014, engagement took place through various means, including in-person meetings held at treaty negotiation tables, regional meetings led by Mr. Eyford and through online tools. During the engagement period, Mr. Eyford met with over 100 Indigenous communities, many Aboriginal organizations, third parties and governments.

Mr. Eyford prepared his final Report in 2015 outlining what he heard during the engagement process and setting out his recommendations for further improvements to the treaty process. This independent report was made available online on April 2, 2015. Since that time, the “Eyford Report”[[9]](#footnote-9) has continued to inform collaborative policy reform initiatives that Canada has undertaken together with Indigenous partners.

This Interim Policy was intended as one step in the evolution of federal policies and approaches for the recognition and implementation of section 35 rights in Canada’s Constitution. Canada recognized at the time that federal policies and approaches would continue to evolve over time through work with partners to negotiate fair agreements that work for and benefit all parties. While it addressed some major concerns with the original 1986 policy, process impediments and broader questions around modern treaty relationships and what agreements should look like have remained.

Over the months following the release of the Eyford Report, in 2016 the Government of Canada sought feedback on the recommendations through engagement with Indigenous groups as well as other stakeholders, including those who provided input during the engagement meetings with Mr. Eyford.

This feedback has continued to inform collaborative policy reform initiatives that Canada has undertaken together with Indigenous partners.

### Recognition of Indigenous Rights and Self-Determination discussions (2015 to present)

Canada first entered into Recognition of Indigenous Rights and Self-Determination discussions with Indigenous partners in 2015. Since that time, the Government of Canada has been working with Indigenous communities at about 75discussion tables across the country to explore new ways of working together to advance the recognition of Indigenous rights and self-determination. These discussions mainly focus on Indigenous land use, resources revenue and cultural and language preservation and represent more than 350 Indigenous communities, with a total population of more than 750,000 people.

The goal is to bring greater flexibility to negotiations based on the recognition of rights, respect, cooperation and partnership. At these tables, Canada and Indigenous groups can explore new ideas and ways to reach agreements that will recognize the rights of Indigenous groups and advance their vision of self-determination for the benefit of their communities and all Canadians.

The community-driven discussions provide an opportunity to respond to the unique rights, needs and interests of First Nations, Inuit, and Métis groups where existing federal policies and negotiation mandates have not been able to do so. This may involve:

* jointly developing new ways to recognize rights and title in agreements
* building agreements in steps;
* exploring ways to implement treaty rights and other interests;
* finding common ground to settle litigation outside of the courts;
* using existing tools that are available government-wide outside of treaty and self-government processes to help address the unique needs of each group; and
* building awareness of the treaty relationship.

The priorities identified by Indigenous groups are the starting point for these discussions. Discussions can focus on one priority area or cover many issues.

The process for moving forward also flexible and may result in a single or multiple agreements, including agreements that move forward step by step to address areas of interest in a staged manner over time. These discussions are also intended to allow the parties to co-develop negotiating mandates and so have the flexibility to address longstanding issues that are not covered by existing treaty or self-government negotiations. This kind of dialogue is open to all Indigenous groups which have Section 35 rights to address issues that may fall outside the scope of existing federal policies and mandates.

Canada recognizes that federal policies and approaches will continue to evolve over time and looks forward to working with Indigenous communities to co-develop agreements that work for and benefit the parties.

### Collaborative Self-Government Fiscal Policy Development Process (2016 to present)

Canada and Self-Governing Indigenous Governments have been working collaboratively since May 2016 on the development of a proposal for a new fiscal policy for self-government arrangements. On July 12, 2016, a Memorandum of Understanding was signed for the co-development of a new fiscal relationship between Canada and First Nations. Subsequently, from October 11 to November 20, 2017, the Government of Canada and the Assembly of First Nations engaged with First Nations chiefs and administrators to review and provide options prepared by relevant working groups to support a new fiscal relationship. This feedback was incorporated into the report: *A new approach: Co-development of a new fiscal relationship between Canada and First Nations* (December 2017). Through the signing of the Memorandum of Understanding, a process was established to renew the fiscal relationship between First Nations and the Government of Canada, which is a key step in addressing the disparities and inequities in the socio-economic conditions that exist between First Nations and other Canadians. On January 21, 2019, the Honourable Seamus O'Regan, Minister of Indigenous Services Canada, and National Chief Perry Bellegarde of the Assembly of First Nations, announced a new co-developed policy and improved funding approach that will better support the needs of First Nations students on-reserve. This new funding approach, which will take effect on April 1, 2019, aligns with Canada’s commitment to renew the fiscal relationship with First Nations and is based on recommendations from the report: *A new approach: Co-development of a new fiscal relationship between Canada and First Nations* (December 2017). This new funding approach will:

* replace outdated proposal-based programs with improved access to predictable core funding;
* ensure base funding is comparable to provincial systems across the country while working towards additional funding agreements based on need to better account for factors such as remoteness, school size, language, and socio-economic conditions;
* provide First Nations schools with $1,500 (CDN) per student, per year, to support language and culture programming;
* provide new resources which will support full-time kindergarten in every First Nations school for children aged four and five; and
* ensure special education funding is more predictable, with fewer application-based requirements.

Work is still ongoing on this important process, while interim measures are developed to begin closing socioeconomic gaps.

The Collaborative Process is a demonstration of what can be achieved when collaborating with stakeholders. This draft policy framework is one of the first examples of successful policy co-development for the Government of Canada, and is an important step in the nation-to-nation relationship. With the co-development of a fiscal policy, Indigenous groups will be able to exercise their right to self-government while providing input into the policies that directly affect their governments.

Pursuant to a Memorandum of Understanding between the Government of Canada and the Assembly of First Nations, and informed by nationwide engagement with First Nations, the Assembly of First Nations, and Indigenous Services Canada, a report entitled “A New Approach: Co-development of a new fiscal relationship between Canada and First Nations” was prepared. The Government of Canada made a commitment to work with First Nations on moving forward on several key recommendations from the Report, most notably:

* enhancing funding predictability and flexibility, including creating 10-year grants for high capacity First Nations;
* reforming the Default Prevention and Management Program by building on successful capacity development pilot projects undertaken with the First Nations Financial Management Board; and
* establishing a permanent advisory body to support ongoing co-development of the fiscal relationship with First Nations.

The Government of Canada’s Budget of March 2018 provided $189 million (CDN) over five years related to renewing the fiscal relationship with First Nations, including funding support for the proposed advisory body, default prevention reforms, capacity development, and First Nations-led institutions. Reforming the fiscal relationship with First Nations is seen as critical to realizing the vision for shedding the administrative structures in the relationship that were conceived in another time. To this end, the Government is engaging in a collaborative fiscal policy development process with self-governing Indigenous governments to develop a new national policy framework for the provision of federal financial support to those Indigenous governments.

### The Isaac National Engagement and Final Report (2015)

In 2013, the Supreme Court of Canada handed down the seminal *Manitoba Métis Federation v. Canada* decision, calling reconciliation with Métis people “a matter of national and constitutional import.” On June 4, 2015, then-Minister of Indigenous and Northern Affairs Canada appointed Thomas Isaac as the Minister’s Special Representative to meet with the Métis National Council, its governing members, the Métis Settlements General Council, provincial and territorial governments, and other Indigenous organizations and interested parties to map out a process for dialogue on section 35 Métis rights, and to engage with the Manitoba Métis Federation to explore ways to advance dialogue on reconciliation with Métis in Manitoba in response to the Supreme Court’s decision.

Mr. Isaac actively engaged with partners from June 2015 to January 2016, with a postponement for the federal election in fall 2015. He engaged with Métis governments, organizations, institutions and individuals, as well as with federal departments and agencies, including Indigenous and Northern Affairs and Justice. Provincial and territorial governments and other interested parties also had the chance to participate.

Mr. Isaac invited submissions from, and met with, Métis governments, insti­tutions and organizations. He did not limit or pre-determine with whom he spoke or from whom he received submissions, and in particular did not exclude anyone from such participation based on the legal criteria for determining whether particular individuals or communities are Métis for the purposes of section 35.

Mr. Isaac’s report, delivered to the Minister in June 2016, includes his observations and recom­mendations based on his review of the issues relating to his mandated. It contains his understanding of what was heard with the intent of assisting in the necessary task of reconciliation between the Métis and Canada.

Since Canada received Mr. Isaac’s report, it has continued to inform collaborative policy reform initiatives that Canada has undertaken together with Métis partners, including through discussion and negotiation tables.[[10]](#footnote-10)

### Federal engagement on the development of legislation and policy on the recognition and implementation of Indigenous rights (2018 to present)

On February 14, 2018, the Right Honourable Prime Minister Justin Trudeau, announced the launch of a national engagement with First Nations, Inuit and Métis people that will help develop a Recognition and Implementation of Rights Framework. Led by the Minister of Crown-Indigenous Relations and Northern Affairs Canada, the Honourable Carolyn Bennett, the Government of Canada is engaging various groups on the legislative and policy changes necessary to reform government policies and practices to ensure that the starting premise for all federal government action is the recognition of Indigenous rights. This engagement has taken place with Indigenous communities, governments and organizations on a wide array of legislative and policy issues. Engagement has also included provincial and territorial governments and other stakeholders.

Engagement between federal officials and Indigenous groups remains ongoing into 2019 with the specific objective of developing a new rights-based policy to replace outdated federal policies on the negotiation of treaties/agreements and self-government between the Government of Canada and Indigenous Peoples.

### Permanent Bilateral Mechanisms

Permanent Bilateral Mechanisms were created in 2016 between the Government of Canada and each National Indigenous Organization representing First Nations, Inuit, and Métis Nation, including leaders of Modern Treaties and Self-governing First Nations to discuss distinctions-based[[11]](#footnote-11), whole-of-government[[12]](#footnote-12) approaches to priority-setting and policy co-development, identify joint priorities, and monitor progress.

National Indigenous Organization representatives and Modern Treaty and Self-Governing First Nations leaders are also now regularly invited to engage with Federal, Provincial, and Territorial governments on the occasion of Federal, Provincial, and Territorial ministerial meetings. These Permanent Bilateral Mechanisms play a key role in providing a comprehensive distinctions-based, whole-of-government approach to priority-setting and policy co-development. Each process has had to adapt to the particular circumstances of each Indigenous group’s relationship with Canada, while some issues cut across distinctions, addressing issues of trust and respect. Successful co-development requires that Canada ensures effective coordination within the system to manage this process alongside Cabinet and other processes. The partnership approach with Indigenous partners strikes a balance between national and regional voices, and builds capacity through organizational growth; however, measuring and defining what success looks like is an ongoing challenge given the range of views and perspective that exist between parties, Indigenous communities, and non-Indigenous Canadians.

Examples of key accomplishments from this process include the co-development the *Indigenous Languages Act* (summer 2018), and legislation on Indigenous child and family services (November 30, 2018 announcement).

On February 5, 2019, the Honourable Pablo Rodriguez, Minister of Canadian Heritage and Multiculturalism, introduced Bill C-91, the *Indigenous Languages Act*, to support and promote Indigenous languages and culture, respond to the Truth and Reconciliation Commission Calls to Action 13-15 and advance achievement of the objectives of the *United Nations Declaration on the Rights of Indigenous Peoples* as it relates to Indigenous languages. This new legislation will:

* establish measures to facilitate the provision of long-term, sustainable funding relating to Indigenous languages;
* advance achievement of the objectives of the *United Nations Declaration on the Rights of Indigenous Peoples*;
* support the reclamation, revitalization, strengthening and maintenance of Indigenous languages in Canada;
* support and promote the use of Indigenous languages;
* enable work with provinces, territories, Indigenous representative organizations and Indigenous governments to create effective support for Indigenous languages in Canada through a variety of mechanisms; and
* establish an Office of the Commissioner of Indigenous Languages.

On February 28, 2019, the Honourable Seamus O'Regan, Minister of Indigenous Services Canada, introduced Bill C-92, *An Act respecting First Nations, Inuit and Métis children, youth and families*. Co-developed with Indigenous partners, Bill C-92 seeks to affirm Indigenous Peoples' rights and jurisdiction in relation to child and family services. Bill C-92 reflects the Government of Canada’s commitment to implement the the *United Nations Declaration on the Rights of Indigenous Peoples*, its ratification of the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination, and the Truth and Reconciliation Commission’s Calls to Action. The Bill seeks to:

* affirm the rights of First Nations, Inuit and Métis to exercise jurisdiction over child and family services; and,
* establish national principles, such as best interests of the child, cultural continuity and substantive equality to guide the interpretation and administration of the Bill.

These principles would guide Indigenous communities and provinces and territories on the delivery of child and family services to keep families together and reduce the number of Indigenous children in care.

Furthermore, the Assembly of First Nations engagement in joint discussion tables on policy options and funding models for federal supports for Indigenous Kindergarten to grade 12 and post-secondary education; the Assembly of First Nations engagement on replacing the Comprehensive Land Claims and the Inherent Right Policy, and improving the Additions to Reserve and Specific Claims policies; and, the first joint Assembly of Firs Nations-Indigenous Services Canada Advisory Committee on Fiscal Relations meeting, which was held in November 2018.

### Education

Since 2016, the Government of Canada has established numerous partnerships with First Nations in the field of education to improve student achievement and develop greater capacity. The Government of Canada has implemented an inclusive and comprehensive engagement process with First Nations for transforming on-reserve education. A policy proposal to strengthen First Nations elementary and secondary education was jointly developed with the Assembly of First Nations and other regional First Nation partners, and was endorsed by the Chiefs-in-Assembly in December 2017. The Government of Canada supports regionally-driven approaches to strengthen First Nations education and earmarked $2.6 billion (CDN) from Budget 2016 to invest over five years in language and cultural education programs.

The Government of Canada is negotiating education authority agreements with First Nations to ensure First Nations will have greater control over First Nations education. The approach will support full-time kindergarten for children aged four to five, and ensure predictable special education funding. This predictable funding approach is an improvement based on engagement with First Nation representatives.

The Government of Canada is also providing more than 16,000 additional First Nations, Inuit, and Métis students’ access to post-secondary education. Under the new framework, the Department of Indigenous Services Canada will also work with First Nations to develop regional education agreements that respond to the education goals and priorities set by First Nations. These agreements will identify collaborative education service delivery strategies, and outline how the Government of Canada can best support First Nation schools, students, communities, and education organizations in ensuring that First Nation students receive a high quality, linguistically and culturally appropriate education that improves outcomes.

In addition, a draft accord is being developed between the Government of Canada and the Native Women’s Association of Canada, which identifies education as a joint priority area and an essential human right. A key policy priority in the draft accord is improving education attainment rates amongst Indigenous women and girls.

### Employment/Skills Training

Over the past 20 years, labour force participation, self-employment and earned income for indigenous Peoples in Canada have increased significantly. In June 2009, The Government of Canada created the *Federal Framework for Aboriginal Economic Development* and its guiding principles regarding the federal government’s approach to promoting Indigenous economic development. Through program supports, policy innovations and strategic partnerships, the federal government now plays a key role in helping Indigenous Peoples and communities break down barriers to more fully participate in, and benefit from, the Canadian economy. For example, the Government of Canada invested $200 million (CDN) over four years in new measures to support principles outlined within the Framework.

In 2018, the Government of Canada announced the co-development of a new Indigenous Skills and Employment Training Program, which would provide distinctions-based[[13]](#footnote-13) support for First Nations, the Métis Nation and Inuit, as well as urban and non-affiliated[[14]](#footnote-14) Indigenous Peoples. These investments will support Indigenous Peoples to develop employment skills and pursue training for lasting employment, which will contribute to closing the socio-economic gap between Indigenous and non-Indigenous.

### Health

Canada invests directly in First Nations and Inuit health, including through the provision of primary health care on-reserve, public health nursing, health promotion/disease prevention, environmental health services, home care and non-insured health benefits. Canada works with provinces, territories, and Indigenous Peoples to advance collaborative models of health and health care that support individuals, families and communities from a broad, holistic perspective. Canada works to close the gap in accessing quality healthcare that exists between Indigenous and non-Indigenous Peoples in Canada.

To close this gap, Canada has since 2015, increased its community-led mental wellness teams to 63 (from 52) serving 344 communities, since 2018, approved 177,000 product, support and service requests for First Nations children, and saw an increase of over 8,000 clients to the former 597,000 eligible clients to access non-insured benefits between 2018-2019. The Government of Canada continues to work with Indigenous partners towards the development of arrangements that support self-determination and control of Indigenous health.

The Government of Canada is ensuring that First Nations children receive the care and services they need, when and where they need them. Following the tragic death of Jordan River Anderson, a young Norway House Cree Nation boy who passed away at the age of 5 due to administrative issues over home-based care payment authorities between the province of Manitoba and the federal Government of Canada, a motion in support of Jordan’s Principle was passed by the House of Commons in 2007. Jordan’s Principle is a child-first principle calling on the government of first contact to ensure First Nations children can access public services on the same terms as other children. It requires that the federal, provincial and territorial governments resolve any issues concerning payment after the fundamental health needs of children are met. In 2016, the Canadian Human Rights Tribunal found the Government of Canada’s implementation of Jordan’s Principle to be discriminatory. The full implementation of Jordan’s Principle is meant to ensure that First Nations children have an equal chance to thrive.

The Government of Canada set up a fund of $382.5 million (CDN) available from 2016-2019 to pay for health, social, and education products, services and supports that are needed right away. These investments were announced to improve service coordination and ensure service access resolution so that children's needs are assessed and responded to quickly.

### Children and Families

On November 30, 2018, the former Minister of Indigenous Services Canada, the Honourable Jane Philpott, announced that the federal government plans to introduce new child welfare legislation, co-developed with Indigenous leaders that would hand over control of child welfare services to Indigenous governments. The proposed legislation will devolve authority to First Nations, Inuit and Métis Peoples to care for Indigenous children in need of child welfare services. The Government of Canada introduced Bill C-92, *An Act respecting First Nations, Inuit and Métis children, youth and families* on February 28, 2019. Co-developed with Indigenous partners, Bill C-92 seeks to affirm Indigenous Peoples' inherent right to exercise jurisdiction over child and family services and to establish national principles such as best interests of the child, cultural continuity and substantive equality to guide the interpretation and administration of the Bill. The principles are consistent with the Truth and Reconciliation Commission of Canada’s Calls to Action, the United Nations Declaration on the Rights of Indigenous Peoples, and the United Nations Conventions on the Rights of the Child and the Elimination of All Forms of Racial Discrimination. The Bill represents an important step toward more comprehensive reform as the legislation focused on identifying ways to keep families together and reduce the number of Indigenous children in care.

The Bill emphasizes the need for the system to shift from apprehension to prevention, with priority given to services that promote preventive care to support families. It also seeks to preserve children's connection to their family, community and culture by providing an order of priority for placement of an Indigenous child when apprehension is in the best interest of that child.

Canada has committed to six points of action to address the number of Indigenous children in care. These include: continuing to work to fully implement all orders of the Canadian Human Rights Tribunal, and reforming child and family services including moving to a flexible funding model; shifting the programming focus to prevention and early intervention; supporting communities to draw down jurisdiction and explore the potential for co-developed federal child welfare legislation; accelerating the work of trilateral and technical tables that are in place across the country; supporting Inuit and Métis Nation leadership to advance culturally-appropriate reform; and developing a data and reporting strategy with provinces, territories, and Indigenous partners.

### Housing

The federal government is collaborating with First Nations, Inuit, and Métis Nation partners to co-develop Indigenous housing strategies to improve housing conditions over the long term and to ensure that Indigenous Peoples have greater control over housing in their communities and access to safe and healthy living conditions. Canada recognizes the health hazards in housing, such as mould, and has recently signed an *Interim Framework Agreement* with the Windigo Tribal Council, on behalf of Cat Lake First Nation, that outlines next steps and timelines to address the community’s housing and health needs, including funding for 57 homes for the community, new temporary homes, and renovations and repair.

Through its 2018 Budget, the Government of Canada invested $600 million (CDN) over three years for First Nations housing, $500 million (CDN) over 10 years for Métis Nation housing, and $400 million (CDN) over 10 years for Inuit-led housing. This funding is a significant step towards addressing housing needs in Indigenous communities, while continuing to work with Indigenous partners to implement community-led solutions. The Government of Canada is also investing in off-reserve housing for First Nations, Inuit, and Métis Nation. Distinctions-based housing strategies are co-developed with Indigenous partners to address unacceptable socio-economic gaps. The Government also funds $30 million (CDN) towards the Indigenous Homes Innovation Initiative which is designed to support Indigenous-led, community-driven projects that could serve as blueprints for new approaches.

### Food Security

The Government of Canada is working with civil society, industry, and Indigenous organizations, to develop *A Food Policy for Canada*. The policy will address four main themes: food security, health, environmental sustainability, and economic growth. In line with the Government of Canada’s commitment to a renewed nation-to-nation, Inuit-Crown, and government-to-government relationship with Indigenous Peoples, the Government also supported and funded the self-led engagement of National Indigenous Organizations on the policy.

As a result of northern engagement, the Government of Canada announced on December 10, 2018, additional funding of over $62 million (CDN) and a series of updates to make its Nutrition North Canada program more culturally relevant to Northerners and help further reduce the cost of perishable, nutritious food. The Government of Canada also introduced the Harvesters Support Grant which came out of these engagement sessions with northerners, with the goal to provide eligible communities grant funding to lower high costs associated with traditional hunting, fishing, gathering, and harvesting activities.

Canada is also working with First Nations, Inuit, and Métis partners to support the development of eating tools such as an Indigenous food guide for it to be more reflective of geographical realities and culturally-relevant to Indigenous Peoples.[[15]](#footnote-15)

### Poverty/Income Assistance

The Government is committed to developing a Canadian Poverty Reduction Strategy that sets targets to reduce poverty, aligns with existing provincial/territorial and municipal strategies, and includes a plan to measure and publicly report on progress. The Government has engaged with Indigenous people as part of a nearly year-long public consultation process and will work in partnership with Indigenous leaders to implement the Strategy.

More than half of the Indigenous population in Canada lives in an urban centre. Urban Programming for Indigenous Peoples is designed to assist First Nations (status and non‑status), Inuit, and Métis living in or transitioning to urban centres, and aims to address challenges faced by some of the most at-risk community members, including Indigenous women.

### Safety and Policing

In December 2016, the Honourable Ralph Goodale, Minister of Public Safety and Emergency Preparedness, announced that the Government of Canada is committed to supporting ongoing community safety by providing long-term funding to the First Nations Policing Program

### The Province of British Columbia

#### i) Common Table Process (2008)

The Common Table Process involved negotiations between Canada and representatives of British Columbia First Nations in the advanced stages of treaty negotiations in 2008. The Common Table Process brought these First Nations together in one forum to discuss key areas of First Nation interest, including Canada’s approach to certainty and recognition, the status of treaty settlement lands under Canada’s Constitution, co-management and shared decision making, fiscal relations, governance, and fisheries.

The Common Table Process laid the groundwork for subsequent changes to Canada’s approach to treaty negotiations in British Columbia over the next decade and provided context for continuing discussions with First Nations on these issues. These discussions have helped inform the more fundamental shift to a federal negotiation approach premised on mutual respect and the recognition of Indigenous rights, including the right of self-determination, as well as current engagement processes on the implementation of Indigenous rights.

#### ii) Treaty Revitalization Process (2009)

The negotiation of modern treaties is a complex and time-consuming undertaking. Facilitated by the British Columbia Treaty Commission, the Treaty Revitalization Process was initiated in 2009 and focused on ways of streamlining and improving the effectiveness of the negotiation process itself. The Treaty Revitalization Process has informed changes to Canada internal decision-making processes, identified measures that the Principals to the treaty process could take to increase the capacity of First Nations involved in treaty negotiations (including funding), recommended approaches to dealing with shared territories between First Nations, and examined the role of the British Columbia Treaty Process itself.

#### iii) Multilateral Engagement Process (2016)

In May 2016, the Principals to the British Columbia treaty process – Canada, British Columbia and the First Nations Summit - endorsed the final report of the *Multilateral Process to Improve and Expedite Treaty Negotiations in British Columbia*. The report recommended changes to the BC treaty process in order to advance reconciliation between the Crown and First Nations, including exploring an approach to certainty in treaty negotiations based on the recognition of rights, as well as ways to reach treaties or other agreements more efficiently through a stepping stone approach, incremental treaty agreements, sectoral agreements, and core treaties.

#### iv) Principals’ Accord (2018)

On December 1, 2018, the Principals to the British Columbia treaty process signed the *Principals Accord on Transforming Treaty Negotiations in British Columbia*, signaling their commitment to transformative change in the British Columbia treaty process, including a commitment to dialogue on embedding a recognition of rights approach in treaty negotiations. The Principals also agreed that their officials would work together to develop a tripartite report to the Principals that includes (a) options for the implementation of self-determination, including nation recognition and self-government, and (b) options for the implementation of Aboriginal title within First Nations’ territories through BC treaty negotiations. To support this work, the Principals convened a focus group of First Nation Chief Negotiators in January 2019 to launch the discussion and determine how to proceed with the detailed work. Tripartite working groups have been established and are developing reports to the Principals for April of 2019.

### Canada’s International Human Rights and Other Commitments: Overriding Principles in achieving the 2030 Agenda

On April 17, 2018, the Minister of Crown-Indigenous Relations and Northern Affairs Canada, the Honourable Carolyn Bennett stated: “It is crucial we listen to the voices of First Nations, Inuit, and Métis Peoples as we work together in achieving the 2030 Agenda. True reconciliation requires our collective action to close the gaps in health, education and economic outcomes and to create a healthier planet through sustainable development.” The former Minister of Indigenous Services Canada further iterated: “There is much work to be done in order to close the socio-economic gaps that exist between Indigenous and non-Indigenous Peoples in Canada. However, we have made substantial commitments – in housing, water, education, health and economic development—in partnership with Indigenous Peoples that will benefit First Nations, Inuit and the Métis Nation as we move forward in implementing the UN 2030 Agenda for Sustainable Development.”[[16]](#footnote-16)

At the United Nations Sustainable Development Summit on September 25, 2015, along with other world leaders, the Government of Canada adopted the 2030 Agenda for Sustainable Development. Through this, Canada is committed to support and implement the Sustainable Development Goals and seek to end poverty, fight inequality and injustice, and address climate change by 2030. There are significant linkages between the 2030 Agenda and the priorities set out by the Government of Canada to advance reconciliation with Indigenous Peoples in Canada.

Many Indigenous Peoples do not enjoy the same quality of life as other people in Canada. Indigenous Peoples face unique barriers to overcome high levels of poverty, compounded by a long history of neglect and failed policies such as the Indian Residential School system. The impacts of colonization have inflicted intergenerational traumas and will take years to heal. In recognition of this situation, the Government of Canada has committed to advance reconciliation and to improve relations with and outcomes for, Indigenous Peoples. As the Prime Minister of Canada, the Right Honourable Justin Trudeau frequently underscores, there is no relationship more important to him and to Canada than the one with Indigenous Peoples.

For Canada, the 2030 Agenda’s success cannot be achieved without collective action that recognizes and includes the diverse voices of First Nations, Inuit, and Métis Peoples. Consistent with the Government of Canada’s commitment to support the work of reconciliation which is underpinned by priorities centered on closing socio-economic gaps between Indigenous people and non-Indigenous Canadians, advancing self-determination, and improving relationships with Indigenous Peoples, there is significant alignment and support for the Sustainable Development Goals. Many of the items listed elsewhere in this report, such as the development of a Recognition and Implementation of Rights Framework; the review of laws, policies and operational practices; and the Permanent Bilateral Mechanisms help to achieve the objectives of the Sustainable Development Goals.

Through its 2018 federal Budget, Canada announced a *Gender Results Framework*. Indigenous-related initiatives that advance the objectives of the *Gender Results Framework* and align to Sustainable Development Goal 5: keeping Indigenous children and families together; making progress to close gaps in Indigenous health outcomes; and promoting equal access to training and jobs for Indigenous women.

Canada is taking important steps to further improve the quality of life of Indigenous Peoples, and in support of the recognition and implementation of Indigenous rights though investments such as the historic 2016 investment of $8.4 billion (CDN) over a five year period, an additional $3.4 billion (CDN) invested through Budget 2017 and incremental funding of $5 billion (CDN) over five years through Budget 2018.

Building on earlier investments, the distinctions-based investments to deliver clean water, housing, child and family services, training, health care, establishing a new fiscal relationship with First Nations, and other programs in Budget 2018 will help to secure a better quality of life for Indigenous Peoples, while laying the foundation for a renewed relationship based on the recognition of rights, respect, cooperation and partnership.

Based on recommendations within the final report of the Royal Commission on Aboriginal Peoples, Canada signaled in 2017, its intention to transform and dismantle old colonial structures, including replacing the Department of Indigenous and Northern Affairs Canada with two new departments: Crown Indigenous Relations and Northern Affairs Canada, and Indigenous Services Canada. The new Department of Indigenous Services Canada aims to:

* improve quality of life of First Nations, Inuit, and Métis;
* support high-quality services; and
* facilitate the path to self-determination of Indigenous Peoples, who should control service delivery for their own people.

The new Department of Crown-Indigenous Relations and Northern Affairs Canada, works to improve Canada’s capacity to respond to unique realities of Indigenous Peoples. The new Department guides the Government of Canada’s work to create a new relationship with Indigenous Peoples. For example:

* accelerate progress on existing rights and recognition tables to identify priorities for individual Indigenous communities;
* support Indigenous Peoples in their efforts to rebuild and reconstitute their nations; and
* enable Indigenous Peoples to build capacity that supports implementation of their vision of self-determination.

Canada recognizes that, for too long, Indigenous Peoples in Canada have had to prove the existence of their inherent rights and fight to have them recognized and fully implemented. The Government will continue to work with Indigenous partners to advance the reforms in support of the development of Indigenous-led solutions. We know that a renewed relationship cannot be achieved in the span of a couple years. There is much work that remains to be done, and learning to take place. The Government is committed to work on a whole-of-government basis with Indigenous partners at every step in advancing the 2030 Agenda and the Sustainable Development Goals that will result in significant and concrete progress.

## Special tribunals (national)

On December 8, 2015, the Government of Canada announced the launch of a National Inquiry into Missing and Murdered Indigenous Women and Girls (National Inquiry). Canada, along with all 10 provinces and 3 territories, launched the first National Inquiry in Canadian history to examine and report on the systemic causes underlying the violence that many Indigenous women and girls experience, and their greater vulnerability to that violence.

The Government of Canada dedicated $54 million (CDN) to the formation of an independent National Inquiry to hold hearings across Canada and to examine this important issue. The Inquiry was provided with a terms of reference and a timeline of two years to complete its important work.

The National Inquiry[[17]](#footnote-17) mandate is designed to look into and report on systemic causes of all forms of violence against Indigenous women and girls, including sexual violence. Its mandate states that families are at the centre of their work, to examine underlying social, economic, cultural, institutional, and historical causes contributing to the ongoing violence and vulnerabilities Indigenous women and girls face in Canada, including two-spirit, lesbian, gay, bisexual, transgender, queer, questioning, intersex, and asexual (2SLGBTQQIA).

The National Inquiry began its work on September 1, 2016 and produced an Interim Report in November 2017. In response to the National Inquiry’s Interim Report,[[18]](#footnote-18) Canada announced investments in healing and health supports for survivors, family members and others affected by the issue of murdered and missing Indigenous women and girls; an extension of services to help victims’ families access information about their loved ones’ cases; commemoration of the lives and legacies of missing and murdered Indigenous women and girls and members of LGBTQ2S communities; and supporting the establishment of a national investigative oversight body at the Royal Canadian Mounted Police. These initiatives ensure action in key areas does not wait for the conclusion of the National Inquiry.

In June 2018 (the original deadline for completion of its work), the National Inquiry Commission was granted a six-month extension, giving the Inquiry until June 30, 2019 to complete its work, with the final report due on April 30, 2019.

The Government of Canada also funds operational costs for the Inquiry and including aftercare to families and survivors who share their stories. Over the next three years, Canada is providing $21.3 million (CDN) in new funding to enable greater access to mental health, cultural and emotional supports for survivors and families.

## Constitutional review processes

As outlined on page 5, Aboriginal and treaty rights are recognized and affirmed in section 35 of Canada’s *Constitution Act, 1982.* The Government of Canada is committed to removing the colonial barriers that impede the exercise of those rights. The Government of Canada wants to ensure that the relationship between Canada and Indigenous Peoples is based on the recognition and implementation of Indigenous rights. There is a broad consensus among partners that some policies – namely the *Comprehensive Land Claims Policy* and the *Inherent Right Policy* – are in urgent need of reform.

In February 2017, the Prime Minister of Canada, the Right Honourable Justin Trudeau, announced the review of laws and policies to be undertaken by a Working Group of Ministers. The Working Group of Ministers responsible for the review will examine relevant federal laws, policies, and operational practices to help ensure the Crown is meeting its constitutional obligations with respect to Aboriginal and treaty rights; adhering to international human rights standards, including the United Nations Declaration on the Rights of Indigenous Peoples; and supporting the implementation of the Truth and Reconciliation Commission’s Calls to Action. The Working Group has been working with Indigenous leaders, youth, and experts on various legal and policy questions relating to Indigenous Peoples.

The Prime Minister delivered remarks in the House of Commons on February 14, 2018 confirming the Government’s direction that all relations with Indigenous Peoples are to be based on recognition to implement Aboriginal and treaty rights recognized and affirmed by section 35. These remarks described the challenges faced by Indigenous Peoples in Canada, as well as the background to including s. 35 in the Constitution. In addition, the Prime Minister announced that the Government of Canada will develop, in full partnership with First Nations, Inuit, and Métis Peoples, a Recognition and Implementation of Rights Framework. Through engagement sessions held from February to May 2018, participants identified the following themes/priorities:

* the need for a transformation of the social conditions that allow for Indigenous Peoples to fully contribute and participate in society;
* the importance of Indigenous Women in leadership roles;
* the need for broader engagement (by using social media platforms);
* addressing community infrastructure needs;
* the need for public education; and,
* concerns over inclusiveness of process and continuity.

The Right Honourable Prime Minister Justine Trudeau reiterated the importance of recognition of rights on December 4, 2018, at an Assembly of First Nations Special Chiefs Assembly, stating: “(a new relationship with Indigenous Peoples) means being guided by recognition of rights and decolonizing our laws (…) by overhauling the Comprehensive Claims and Inherent Rights policy.”[[19]](#footnote-19) Further, the Government of Canada is committed to fully implement the United Nations Declaration on the Rights of Indigenous Peoples.

As part of this overarching process, the goal is to develop a New Rights-Based Policy as the foundation for all relations between the Government of Canada and Indigenous Peoples. Discussions on the New Rights-Based Policy with First Nations, Inuit, and Métis groups across the country are informing the reform of Canada’s laws, policies, and practices to support recognition of this rights-based approach. These mechanisms support Indigenous communities in achieving self-determination on their own terms. The goal is to create an eventual/potential legislative framework for the recognition and implementation of these Indigenous rights.

The new Rights-Based Policy, thus designed to reform and replace the *Comprehensive Land Claims Policy* and *Inherent Right Policy,* will also build on innovative practices from the Recognition of Indigenous Rights and Self-Determination Table discussions and other negotiation tables, as well as existing authorities approved in recent years. Bilateral and Negotiation Tables were established with each of the three National Indigenous Organizations (Assembly of First Nations, Inuit Tapiirit Kanatami, and Métis Nationial Council. The Government of Canada will undertake the next phase of work to replace the *Comprehensive Land Claims Policy* and *Inherent Right Policy* in spring/summer 2019 in partnership with Indigenous organizations as well as in close collaboration with rights holders. The Government of Canada will continue to listen and be open to ideas and thoughts surrounding legislation to make the recognition and implementation of rights the basis for all relations between Indigenous Peoples and the federal government. Overcoming a legacy of colonization takes time. This work is important and the Government of Canada will take the time needed to do it right. The Government of Canada will continue to engage with Indigenous Peoples and other key stakeholders to follow through on the commitment to reform these policies. Listening carefully is crucial to ensure that the path forward reflects the views of our partners.

## Review of Laws and Policies

In February 2017, Prime Minister Trudeau announced the review of laws and policies to be undertaken by a Working Group of Ministers. This Working Group was responsible for reviewing relevant federal laws, policies, and operational practices and whether the constitutional commitments made to Indigenous Peoples were being respected. Included in this review are the Government of Canada’s “Comprehensive Land Claim Policy” and the “Inherent Right to Self-government Policy.” Since 2015, Canada has been engaging with various groups on legislative and policy changes necessary to reform these government policies and practices, to ensure that the starting premise for all federal government action is the recognition of Indigenous rights. In many of these discussions, the focus is mainly on Indigenous land ownership, resources revenue, and cultural, heritage, and language preservation. As part of this process, the Government of Canada is examining relevant federal laws, policies, and operational practices to help ensure that the Government of Canada (i.e., the Crown):

* is meeting its constitutional obligations with respect to Aboriginal and treaty rights;
* is adhering to international human rights standards, including the United Nations Declaration on the Rights of Indigenous Peoples; and
* is supporting the implementation of the Truth and Reconciliation Commission’s Calls to Action.

The Government of Canada has been working with Indigenous leaders, youth, and experts on various legal and policy questions relating to Indigenous Peoples. In August 2018, a Cabinet Committee on Reconciliation was announced. This Cabinet Committee has been mandated to build on the work of the Working Group of Ministers, and examine initiatives related to strengthening the relationship with Indigenous Peoples.

## Official apologies

As Canada continues its journey of reconciliation and renewal with Indigenous Peoples, we firmly believe in the need to confront our history so we can build a new nation-to-nation relationship guided by the recognition of rights and the values of respect and partnership.

On June 11, 2008, former Prime Minister Stephen Harper issued an apology to former students of Indian Residential Schools, their families, and communities. This underlined Canadians’ resolve to learn from the tragic events and ensure they would never be repeated. As part of the *Indian Residential Schools Settlement Agreement*, over $3 billion (CDN) in reparations was provided to over 38 thousand applicants from September 19, 2007 to September 30, 2018, under the Independent Assessment Process, which was administered by the Indian Residential Schools Adjudication Secretariat. In addition, over $28 million (CDN) was invested into 140 regional and national projects across Canada as part of the Advocacy and Public Information Program, which ran from 2007-2014. An additional, $20 million (CDN) was provided to former students, their families and communities for commemoration initiatives to pay tribute to, honour, educate, remember, and memorialize their experiences by acknowledging the systemic impacts of the residential school system. All project funding under the Advocacy and Public Information Program and the Commemoration initiative was allocated by March 31, 2014.

Since, the Government of Canada has delivered a number of statements of apology and exoneration to Indigenous Peoples to acknowledge injustices and indignities that perpetuated over many decades and to advance reconciliation and move toward greater understanding and respect.[[20]](#footnote-20)

Provinces such as Alberta and Saskatchewan issued apologies for the “Sixties Scoop” whereby Indigenous children were taken from their parents and communities through child intervention services and placed in predominantly non-Indigenous families in the 1960s. The result of this assimilatory period was devastating to Indigenous children losing touch with their families, their culture, and traditional language. The Sixties Scoop caused lasting damage and apologies by provincial governments are a step towards reconciliation. The Government of Canada has taken a significant first step in resolving this historic injustice through the settlement for Status Indians and Inuit and is committed to working with Métis and Non-Status survivors, their counsel, Indigenous leadership and provinces and territories to address remaining Sixties Scoop claims.

In May 2017, the Right Honourable Prime Minister Justin Trudeau visited Pope Francis, head of the Catholic Church, at the Vatican City to formerly ask the Pontiff to apologize for the role the Catholic Church played in the residential schools system. This visit was in response to the Truth and Reconciliation Commission Call to Action 58.

### Newfoundland and Labrador Residential Schools (2017)

On November 24, 2017, the Prime Minister of Canada, the Right Honourable Justin Trudeau apologized to former students of the Newfoundland and Labrador residential schools for being taken from their communities to attend provincially-run residential schools in Newfound and Labrador where they suffered sexual and physical abuses, and language and cultural losses. The apology was also directed to those not included in the *Indian Residential Schools Settlement Agreement*. This apology addresses the Truth and Reconciliation Commission Call to Action 29.

### Tsilhqot’in (2018)

On March 26, 2018 and November 2, 2018, the Prime Minister of Canada, the Right Honourable Justin Trudeau apologized and delivered a statement of exoneration to the Tsilhqot’in Nation and the descendants of six Tsilhqot’in Chiefs for the hanging of the chiefs more than 150 years ago.

### 1923 Williams Treaties (2018)

On November 17, 2018, Carolyn Bennett, Minister of Crown-Indigenous Relations, apologized on behalf of the Government of Canada for the negative impacts of the 1923 Williams Treaties on the Williams Treaties First Nations.

The apology provided by the Government of Canada, and the settlement reached between the parties, both acknowledged and recognized the continuing pre-Confederation treaty harvesting rights of the Williams Treaties First Nations.

Representatives of the Williams Treaties First Nations participated in the negotiation and settlement of their historic claims which included recognition of the pre-Confederation treaty harvesting rights of the Williams Treaties First Nations. Prior to signing, the settlement was ratified by the members of each of the seven Williams Treaties First Nations in a democratic community vote.

As part of the settlement, Canada and Ontario recognized the rights of the First Nations “to hunt, trap, fish and gather for food, social and ceremonial purposes, in accordance with and subject to the terms of [various pre-Confederation treaties].” Canada, Ontario and the First Nations have agreed to coordinate the implementation of the treaty harvesting rights recognized as part of the settlement.

### Ahiarmiut (2019)

On January 22, 2019, the Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations and Northern Affairs Canada, apologized to the Ahiarmiut, on behalf of the Government of Canada, for past wrongs relating to the multiple relocations of the Ahiarmiut that took place between 1950 and 1960.

The apology provided by the Government of Canada to Ahiarmiut who were relocated from their homes in Southwestern Nunavut to Hudson Bay followed a $5 million (CDN) out-of-court settlement for past wrongs. It involved the recognition and acknowledgement of the harm caused by this relocation and is a critical example of the reconciliation and reparation agenda.

Canadian government officials engaged and consulted with community leaders and elders to ensure the content of the proposed apology, as well as the commemorative plaque unveiled and the other commemorative events scheduled in the community, would be meaningful to the Ahiarmiut. The settlement agreement has been implemented and an official apology has been delivered by the Government of Canada to the Ahiarmiut.

### Sayisi Dene (2016)

The apology provided by the Government of Canada to Sayisi Dene for their forced relocation from their homes in Northern Manitoba followed a $33.6 million (CDN) out-of-court settlement for past wrongs. It involved the recognition and acknowledgement of the harm caused by this relocation and is a critical example of the reconciliation and reparation agenda.

Departmental officials consulted with community leaders and elders to ensure the content of the proposed apology, and the commemorative events scheduled in the community, would be meaningful to the community. The settlement agreement has been implemented and an official apology has been delivered by the Government of Canada to the Sayisi Dene.

## Agreements and Settlements

### *Indian Residential Schools Settlement Agreement* (2007)

The implementation of the *Indian Residential Schools Settlement Agreement* began on September 19, 2007. The *Settlement Agreement* represents the consensus reached between legal counsel for former students, legal counsel for the Churches, the Assembly of First Nations, other Indigenous organizations and the Government of Canada. The implementation of this historic agreement brings a fair and lasting resolution to the legacy of Indian Residential Schools.

The *Settlement Agreement* includes five different elements to address the legacy of Indian Residential Schools, outlined below.

1. A Common Experience Payment for former students who resided at an Indian Residential Schools, which is:
	* a lump-sum payment that recognizes the experience of living at an Indian Residential School and its impacts; and
	* available to all eligible former students who resided at a recognized Indian Residential School and were alive on May 30, 2005 (including First Nations, Métis, and Inuit former students),
2. An Independent Assessment Process for claims of sexual or serious physical abuse, which is:
	* a claimant-centered, non-adversarial, out-of-court process for the resolution of, and compensation for, claims of sexual abuse, serious physical abuse, and other wrongful acts suffered at Indian Residential Schools,
3. Measures to support healing such as the Indian Residential Schools Resolution Health Support Program and an endowment to the Aboriginal Healing Foundation.
4. Commemorative activities.
5. Establishment of a Truth and Reconciliation Commission.

The *Settlement Agreement* initially covered 130 Indian residential schools. Over the course of the implementation of the *Settlement Agreement*, an additional 10 schools were added.

The Government of Canada recognizes that true and lasting reconciliation cannot be achieved through any one single agreement, and that the *Settlement Agreement* is not a complete answer to the wrongs of the past or the challenges of the present. As referred to in section one, the Government of Canada is committed to implementing the Truth and Reconciliation Commission’s 94 Calls to Action as a means of bringing about reconciliation by addressing the traumatic, multi- generational legacy of Indian Residential Schools on Indigenous Peoples and communities.

### *Tsawwassen Treaty* (2009)

The *Tsawwassen Treaty* came into effect on April 3, 2009. This treaty was the first final agreement reached under the made-in-British Columbia BC Treaty Process that was initiated in 1993. The treaty represented the culmination of fourteen years of negotiations between the Tsawwassen First Nation, Canada and the Province of British Columbia.

The treaty transferred land and financial resources to the First Nation, set out the rights of the Tsawwassen people that would be protected, and established the First Nation as a self-governing entity with defined jurisdiction. The treaty represents an act of reconciliation between the First Nation and the two governments and re-defined the ongoing relationship between parties as one based on recognition and mutual respect.

The *Tsawwassen Treaty* was “proof of concept” that the BC Treaty Process could produce workable agreements that would be a major milestone on the path towards reconciliation, and provided a model for the agreements that followed with the Maa-Nulth First Nations in 2011 and the Tla’amin First Nation in 2016.

### *Sioux Valley Dakota Nation Governance Agreement Act* (2013)

The *Sioux Valley Dakota Nation Governance Agreement* is premised on Canada’s recognition of an inherent Aboriginal right of self-government. It is the first and only self-government agreement signed in the Prairie provinces. The self-government agreement was negotiated by representatives from the First Nations and approved as part of a ratification process by eligible First Nation members via a democratic community vote.

The tripartite (Sioux Valley / Canada / Manitoba) agreement recognizes Sioux Valley law-making authority in relation to more than 50 subject matters. It also changes the legal status of the First Nation government (no longer an *Indian Act* band) and shifts accountability and responsibility to First Nation members (instead of the Minister of Crown-Indigenous Relations). This supports self-determination aspirations of the First Nations and is part of moving along a continuation of reconciliation. Canada continues to work collaboratively with Sioux Valley on the implementation of its *Governance Agreement.*

Financial support for the implementation of the agreement is based on federal fiscal policy, which is now being revised based on extensive consultation with self-governing Indigenous communities. Sioux Valley is required to provide an annual report to its members, including audited financial statements. Those annual reports are also made available to the Government of Canada.

A tripartite implementation committee provides a forum for addressing any issues that may arise from time to time. Sioux Valley, Canada and Manitoba also participate in a Recognition of Indigenous Rights and Self Determination process which provides an opportunity to further renew the government-to-government relationship and advance Sioux Valley’s other socio economic objectives.

### Listuguj (2015)

This is an out-of-court settlement providing a cash award of $64.5 million (CDN), for loss of use of lands and damages. Lands were also added to reserve as part of the settlement, increasing the First Nations’ land base and availability of lands for economic development or other purposes.

This is an example of both reconciliation and reparation in action. Representatives of the Listuguj of Kettle and Stoney Point First Nation participated in the negotiation and settlement of their historic claim. Prior to signing an agreement, the settlement was ratified by the members of the First Nation by a democratic community vote.

### *Délı̨nę Final Self-Government Agreement Act* 2015 (Bill C-63)

The 1993 *Sahtu Dene and Métis Comprehensive Land Claim Agreement* committed Canada to negotiating self-government agreements on a community by community basis with the five Sahtu communities of Colville Lake, Fort Good Hope, Tulita, Délı̨nę, and Norman Wells.

On March 10 to 12, 2014, the Délı̨nę First Nation Band and Délı̨nę Land Corporation ratification vote passed with a strong majority of support. The *Délı̨nę Final Self-Government Agreement* was signed in February 2015 and the *Act* received Royal Assent on June 18, 2015.

Neighboring Sahtu communities were consulted on the *Délı̨nę Final Self-Government Agreement* prior to initialing through the representative body of Sahtu land claim beneficiaries, the Sahtu Secretariat Incorporated. No concerns were raised. Overlapping groups were also consulted on the *Agreement* and on the draft legislation.

The *Agreement* created a new single government taking the place of the First Nation, the Land Corporation and the Charter Community. This government has increased control over the decisions that affect their daily lives, including how programs and services are delivered in the Délı̨nę District. This brings decision-making closer to the community and ensures decision-makers are accountable to those who elect them.

Self-government is the start of a new and more equal relationship for Délįnę with the territorial and federal governments. The agreement will be implemented incrementally as Délı̨nę’s governance capacity increases over time.

### Ipperwash (2016)

This is an out-of-court settlement for past wrongs that provided for return and remediation of lands at Camp Ipperwash and $95 million (CDN) in settlement monies for a brighter future for the Chippewas of Kettle and Stony Point First Nation. Representatives of the Chippewas of Kettle and Stoney Point First Nation participated in the negotiation and settlement of their historic claim.

Prior to signing, the settlement was ratified by the First Nation members in a democratic community vote. The settlement agreement provides for an Implementation Secretariat, which includes members nominated by both Canada and the First Nations. The Secretariat is responsible for ensuring full implementation of the agreement, including the provision of annual reporting.

### Anderson class action litigation (2016)

The Supreme Court of Newfoundland and Labrador approved a negotiated settlement (Anderson class action litigation) of over $50 million (CDN) in compensation to students of provincially-run residential schools in Newfoundland and Labrador and those who may have suffered abuse. The Anderson class action litigation was in response to claims that certain parties were left out of the *Indian Residential Schools Settlement Agreement*. The settlement also includes provisions for healing and commemoration activities identified by former students. On June 8, 2017, The Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations appointed James Igloliorte as the Ministerial Special Representative to lead the healing and commemoration portion of the *Newfoundland and Labrador Residential Schools Settlement Agreement*. This settlement agreement addresses the Truth and Reconciliation Commission Call to Action 29.

### Inuit Nunangat Declaration on Inuit-Crown Partnership (2017)

The *Inuit Nunangat Declaration on Inuit-Crown Partnership* was signed on February 9, 2017. As part of the Inuit-Crown Partnership Committee (ICPC) process, key accomplishments from the Permanent Bilateral Mechanism process include:

* the co-development of a draft Inuit Early Learning and Child Care (ELCC) Framework, and draft National Inuit Housing Strategy; and
* extensive engagement with Inuit partners on policy options the Indigenous Skills and Employment Training (ISET) Program.

### *Canada-Métis Accord* (2017)

On April 13, 2017, the *Canada-Métis Accord* was signed. Subsequently, Canada and the Métis Nation entered into a number of sub-accords and Memoranda of Understanding, including:

* *Métis Nation Skills and Employment Training Accord* (signed June 15, 2018);
* *Canada – Métis Nation Housing Sub-Accord* (signed June 19, 2018);
* *Memorandum of Understanding on Canada- Métis Nation Interim Fiscal Relationship* (signed June 14, 2018);
* *Memorandum of Understanding on Developing a Canada - Métis Nation Health and Wellness Accord* (signed August 21, 2018);
* *Memorandum of Understanding Canada - Métis Nation Economic Development Accord: Supporting the Development and Implementation of a Métis Nation Economic Development Strategy* (signed July 16, 2018);
* *Memorandum of Understanding on Developing a Canada-Métis Nation Education Sub-Accords* (signed in October 2018); and
* *Memorandum of Understanding on Developing a Canada – Métis Nation Child and Family Services Accord* (December 2018).

### *Cree Nation Governance Agreement* (2017)

Minister Bennett signed the *Cree Nation Governance Agreement* on July 18, 2017, along with the former Grand Chief of the Grand Council of the Crees (Eeyou Istchee), Dr. Matthew Coon Come. The Chiefs of the Cree First Nations of Eeyou Istchee also concurred with the *Agreement*.

The *Agreement* sets out the power of the Cree First Nations to make laws (rather than by-laws) on a wide variety of local governance on Cree lands under federal jurisdiction, including environmental protection, public order and safety, and land and resource use and planning. It also sets out the power of Cree Nation Government to make laws on regional governance matters on these lands. The *Agreement* represents a true nation- to-nation effort founded on partnership, respect for the traditional Cree way of life, and sustainable development.

### *Sixties Scoop Settlement Agreement* (2017)

The *Sixties Scoop[[21]](#footnote-21) Settlement Agreement* was signed, providing funding of up to $875 million (CDN) in compensation to Status Indians and Inuit who were adopted by non-Indigenous families, became Crown wards or who were placed in permanent care settings between 1951 and 1991.

### *Anishinabek Nation Education Agreement Act* (2018)

The legislation, which came into force on April 1, 2018, implements the *Anishinabek Nation Education Agreement*. The *Agreement* supports self-determination by recognizing and affirming Anishinabek First Nation law-making power and authority over primary, elementary and secondary education.

The Anishinabek Nation, as represented by the Union of Ontario Indians, and Canada completed the negotiation of an education self-government agreement to establish an Anishinabek Education System which will be under First Nation jurisdiction.

23 First Nation communities ratified the *Anishinabek Nation Education Agreement* in a ratification process approved by eligible First Nation members via a democratic vote. The legislation provides the Anishinabek First Nations with self-determination over education. It provides authority for the Anishinabek First Nations to redesign education programs and services and reallocate education funding to correspond to the identified priorities of the individual communities – a tailor-made process that gives First Nations control over their funding and curriculum. The *Agreement* also supports culture and language programming in Anishinabek schools, facilitating the prioritization of First Nations’ own educational priorities and aspirations

The legislation is designed to improve education outcomes and close socioeconomic gaps between Indigenous and non-Indigenous Canadians. The *Agreement* provides for an ongoing joint implementation and operations committee to ensure the obligations of the *Agreement* are met.

### Lubicon (2018)

The settlement reached between the parties (Lubicon Lake Band, Alberta and Canada), acknowledged and recognized Lubicon’s adherence to Treaty 8, including their rights under treaty. The Treaty rights include: benefits of the establishment of a reserve pursuant to treaty, community construction on future reserve lands, and the resolution of Lubicon’s claims to other treaty-related benefits.

Representatives of the Lubicon Lake Band First Nation participated in the negotiation and settlement of their historic claim. The settlement agreement recognizes and affirms Lubicon’s treaty rights, including to the establishment of a reserve pursuant to treaty, community infrastructure development on the future reserve lands, and resolution of Lubicon’s claims to other treaty-related benefits. Canada continues to work collaboratively with the Lubicon Lake Band on the implementation of its settlement agreement.

This includes formally setting aside land for the exclusive use and benefit of the Lubicon through the Additions to Reserve (ATR) policy, which will help improve economic prosperity and close socioeconomic gaps through the provision of reserve lands to the First Nation. The agreement provides for an ongoing joint implementation and operations committee to ensure the obligations of the agreement are met.

# Historical projects

## War of 1812 Commemoration (2012)

This commemoration project involved a recognition and acknowledgement of the contributions of First Nations and Métis in the War of 1812 and is a critical example of the reconciliation agenda. First Nations and Métis were involved in the planning and execution of a commemorative ceremony for the War of 1812 with the Prime Minister and Governor General in 2012.

## 250th anniversary of the Royal Proclamation of 1763 (2013)

2013 marked the 250th anniversary of the Royal Proclamation of 1763. The Royal Proclamation is a foundational document in the relationship between First Nations people and the Crown and laid the basis for Canada's territorial evolution. This commemoration marked a unique opportunity to recognize a critical event in Canadian history involving First Nations and Métis and all Canadians.

Crown-Indigenous Relations and Northern Affairs Canada (formerly INAC) agreed to a process with Indigenous groups to commemorate this foundational constitutional document. The process included the provision of funding to the Assembly of First Nations and the Land Claim Coalition to hold commemoration events and activities related to the Royal Proclamation.

# Information on the participation of Indigenous Peoples in the adoption of these measures/processes

The Government of Canada committed to engage with National Indigenous representative organizations such as the Assembly of First Nations, the Inuit Tapiriit Kanatami, and Métis National Council, but also includes engagement with other Indigenous organizations such as Pauktuutit (National Voice of Inuit Women), the Congress of Aboriginal Peoples, and the Native Women’s Association of Canada. The Government of Canada renewed its relationships with Pauktuutit through a Memorandum of Understanding signed on June 15, 2017, and *Political Accords* signed on December 5, 2018 with the Congress of Aboriginal Peoples, February 1, 2019 with the Native Women’s Association of Canada.

The *Congress of Aboriginal Peoples’ Political Accord* sets out joint policy priorities aimed at addressing socio-economic gaps and other barriers to success faced by the organization’s off-reserve constituents. The *Accord* sets the groundwork for developing a true partnership with the Congress and building greater capacity within the organization and its affiliates.

The spirit of the agreements with the Native Women’s Association of Canada and Pauktuutit is to work collaboratively with the organizations to advance joint policy priorities to address socio-economic gaps and to ensure that the voices of Indigenous women are a part of co-development. It is also providing increased specific and targeted funding to Indigenous women’s organizations to support capacity building and increased participation in reconciliation.

1. See **Table 1** for an overview of Canada’s budget investments since 2016 and links with the themes of Recognition, Reparation, and Reconciliation. [↑](#footnote-ref-1)
2. For further information, please see: <http://www.trc.ca/assets/pdf/v-SCHEDULE_N_EN.pdf> [↑](#footnote-ref-2)
3. For additional information, please consult: http://www.standcanada.org/truth-reconciliation-commission-report-summary/#CommissionActivities [↑](#footnote-ref-3)
4. Truth Reconciliation Commission, *Honouring the Truth, Reconciling for the Future*, Summary Report,
 p.6 < <http://publications.gc.ca/collections/collection_2015/trc/IR4-7-2015-eng.pdf> >. [↑](#footnote-ref-4)
5. <https://www.aadnc-aandc.gc.ca/eng/1524494530110/1524494579700>. [↑](#footnote-ref-5)
6. The Crown plays a key role in Canada’s parliamentary system of government and with Indigenous Peoples. Canada is a constitutional monarchy where the Sovereign has very few powers and prerogatives. All executive authority is understood to derive from the Sovereign, who is Canada’s formal head of state – currently Her Majesty Queen Elizabeth II. The state is embodied in the sovereign. The authority of the Crown is delegated to various branches of government according to the provisions of Canada’s constitution. This is why the state in Canada is often simply referred to as “the Crown.” Many of Canada’s historic treaties are directly between the Crown and Aboriginal Peoples.

In late 2015, the Government of Canada began using the term “Indigenous” instead of “Aboriginal” to officially describe Indigenous Peoples in Canada. This change brings Canada into line with the international nomenclature. In legal contexts, Canada continues to use the various terms that are included in federal and provincial laws. For example, section 35 of Canada’s *Constitution Act, 1982* recognizes and affirms Aboriginal and treaty rights of the “Aboriginal Peoples of Canada” - that provision contains a specific definition for this term. Therefore, Canada uses the term Indigenous for general discourse, but continues to use the term Aboriginal when making references to constitutionally protected rights. [↑](#footnote-ref-6)
7. First Nations may choose to ‘opt-in’ the the *Indian Act* while still advancing Indigenous jurisdiction under section 35, and the *United Declaration of the Rights of Indigenous Peoples.* For more information on the *Indian Act*, see: <https://laws-lois.justice.gc.ca/eng/acts/i-5/> [↑](#footnote-ref-7)
8. These initiatives follow previous ones which set the stage for advancing self-determination and self-government, such as the 1999 *First Nations Land Management Act* which takes its roots from a group of First Nation Chiefs that approached the Government of Canada with a proposal to opt-out of 40 provisions of the *Indian Act* on land, environment and resources. [↑](#footnote-ref-8)
9. <http://publications.gc.ca/collections/collection_2015/aadnc-aandc/R3-221-2015-eng.pdf> [↑](#footnote-ref-9)
10. For additional information, see: <https://www.gov.nt.ca/sites/flagship/files/documents/msr_isaac_report_-_march_2017.pdf> [↑](#footnote-ref-10)
11. The Government of Canada recognizes First Nations, the Métis Nation, and Inuit as the Indigenous peoples of Canada, consisting of distinct, rights-bearing communities with their own histories, including with the Crown. The work of forming renewed relationships based on the recognition of rights, respect, co-operation, and partnership must reflect the unique interests, priorities and circumstances of each People. [↑](#footnote-ref-11)
12. The Government of Canada adopts inter-sectoral and horizontal management to align program activities across the federal family with sets of high level outcomes for the government as a whole. [↑](#footnote-ref-12)
13. The Government of Canada recognizes First Nations, the Métis Nation, and Inuit as the Indigenous peoples of Canada, consisting of distinct, rights-bearing communities with their own histories, including with the Crown. The work of forming renewed relationships based on the recognition of rights, respect, co-operation, and partnership must reflect the unique interests, priorities and circumstances of each People. [↑](#footnote-ref-13)
14. ‘Non-affiliated’ or ‘non-status’ indicates First Nations and Métis that are considered ‘Indians’ under Section 91(24) of the 1867 *Constitutional Act*. The 2016 Court ruling ended a 17-year battle for recognition to remove discriminatory jurisdictional barriers to an otherwise neglected Indigenous demographic in Canada. [↑](#footnote-ref-14)
15. <https://www.canada.ca/en/health-canada/services/food-nutrition/reports-publications/eating-well-canada-food-guide-first-nations-inuit-metis.html> [↑](#footnote-ref-15)
16. <https://www.canada.ca/en/global-affairs/news/2018/04/canada-moving-forward-on-implementing-the-united-nations-2030-agenda-for-sustainable-development-at-home-and-abroad.html> [↑](#footnote-ref-16)
17. <http://www.mmiwg-ffada.ca/> [↑](#footnote-ref-17)
18. <http://www.mmiwg-ffada.ca/publication/interim-report/> [↑](#footnote-ref-18)
19. <https://pm.gc.ca/eng/video/2018/12/04/pm-trudeau-delivers-remarks-assembly-first-nations-special-chiefs-assembly-ottawa> [↑](#footnote-ref-19)
20. See **Table 1**. [↑](#footnote-ref-20)
21. See page 31 for context. [↑](#footnote-ref-21)