



# CROWN - FIRST NATIONS GATHERING

## NEXT STEPS

FEBRUARY 2012

### 1. RENEWED RELATIONSHIP: financial arrangements

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**Outcome statement reference:**

*As a tangible first step, Canada and First Nations will work on a renewed relationship that is based on:*

- a. Movement toward a single, multi-year Government of Canada financial arrangement for First Nations with high-performing governance systems*
- b. Improved accountability provisions for all parties*
- c. Financial self-sufficiency of First Nations as the end-goal*

*A working group with First Nations, Aboriginal Affairs and Northern Development Canada, Finance Canada and other relevant departments will be established to review the structure of financial arrangements between the federal government and First Nations.*

**NEXT STEPS:**

This work is potentially very important to all First Nations and across every sector. It directly responds to conclusions of the Auditor General who identified critical structural problems in the funding for First Nation programs and services. AFN will advance this work, consistent with clear national mandate to ensure sustainable, stable and fair funding for First Nations, to address the reporting burden, and ensure First Nations government capacity is supported.

In terms of the Working Group identified, it is suggested that AFN advance national participation through designated Regional Chiefs with portfolio responsibility along with senior officers from AFN, First Nation organizations and/or organizations such as AFOA.

### 2. REMOVING BARRIERS TO FIRST NATIONS GOVERNANCE: self-determination

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**Outcome statement reference:**

*The Government of Canada and First Nations will work to develop solutions to remove barriers that hinder First Nations governance. The Indian Act cannot be replaced overnight, but through the use of existing tools and the development of new mechanisms, both parties can create the conditions to enable sustainable and successful First Nations.*

The Prime Minister referred to the *Indian Act* as a “tree fallen across the road” and at the same time referenced that there is no “grand scheme” to get rid of the *Indian Act* as it is a “stump with deep roots.” First Nations have resolved collectively to advance our governments reflective of our rights and responsibilities and are pursuing self-determination. It is clear that there is no one path forward and the rate, pace and shape

of change must be directed by First Nations. At the same, First Nations require action and attention. This effort will identify options, as directed by First Nations, to support the First Nation pursuit of self-determination as affirmed in the United Nations Declaration on the Rights of Indigenous Peoples.

Chiefs-in-Assembly passed a consensus national resolution (23-2011) affirming their clear and collective commitment to implementing their self-determination, consistent with Treaties, Inherent Rights and jurisdiction and directed the report "Pursuing First Nation Self-Determination – Realizing our Rights and Responsibilities" be discussed and considered for next steps. Chiefs also affirmed that any potential Federal recognized legislation must be developed and led by our Nations and must be optional.

It is now timely, for the Committee referenced in this resolution to be enacted to oversee the work related to this outcome as well. Resolution 23-2011, in part, states: Mandate a Joint Committee of Chiefs and Advisors, which will be comprised of regional representatives, to review and refine priorities, actions and strategies contained in the draft paper, firmly grounding these in principles of the *United Nations Declaration on the Rights of Indigenous Peoples* and previous work as directed by Chiefs-in-Assembly, such as "*Our Nations, Our Governments: Choosing Our Own Paths*".

### 3. ADVANCING CLAIMS RESOLUTION

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Outcome statement reference:

*The parties commit to ensuring federal negotiation policies **reflect the principles of recognition and affirmation mandated by Section 35 of the Constitution Act, 1982** and advance certainty, expeditious resolution, and self-sufficiency.*

Building on months of dedicated effort, a statement on comprehensive claims policy has emerged through the mandated national First Nations working group. This statement was tabled during the Crown-First Nation gathering on January 24, 2012 in the afternoon dedicated session. This work, as well as the working group, will lead the next steps forward as mandated by Chiefs resolution to advance policy reform based on the recognition and affirmation of First Nation rights and title in the pursuit of expeditious and fair resolution of claims.

### 4. TREATY IMPLEMENTATION:

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Outcome statement reference:

*The Government of Canada and First Nations commit to respect and honour our treaty relationship and advance approaches to **find common ground on Treaty implementation.***

Based on national resolution and direction, AFN has supported and assisted in facilitating Treaty roundtables in every region as well as working with the Treaty 1-11 movement. This work and mandate has produced an important statement on Treaty implementation. This statement was tabled during the Crown First Nation Gathering during the afternoon dedicated session on January 24, 2012 and will serve the basis on continued effort by First Nations Treaty leadership for reporting to Chiefs in Assembly

## 5. EDUCATION REFORM:

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### **Outcome statement reference:**

*The Joint Action Plan launched a collaborative engagement process to make recommendations on quality K-12 education for First Nation children living on reserve. Upon mutual review of the National Panel's report, First Nations and the Government of Canada will work to implement agreed-upon recommendations as quickly as practicable and establish a process to work constructively through any areas of disagreement.*

The National Panel report was released on February 8, 2012. The panel's report contained five recommendations which highlighted both the need for immediate investment and systems change in First Nations education. On February 15, 2012 a virtual discussion took place to review the recommendations and discuss the panel's findings. Moving forward the Chiefs Committee on Education along with the National Indian Education Council will be instrumental in shaping next steps to advise the National Executive and Chief-in-assembly.

There is consistent national mandate to advance First Nation control of First Nation education, full respect for First Nation Treaty and inherent rights, securing sustainable, fair funding to enable First Nations systems of high quality education that will provide all First Nations students with the opportunity to access culturally and linguistically appropriate education.

## 6. CAPITALIZING ON ECONOMIC DEVELOPMENT:

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### **Outcome Statement Reference**

*Within three months, Canada and First Nations will launch an economic task force as set out in the Joint Action Plan that will report back with recommendations to further unlock the economic potential of First Nations. This work will be completed in a timely fashion. Work has already been underway to define the scope of this task force.*

The idea of a specific task force was identified in June 2011. Since this time, the national Chiefs Committee on Economic Development has discussed the approach and ideas to advance this work consistent with their mandate and ongoing activities. This effort is now well underway, under their direction, and will be finalized within the timeframe identified. A terms of reference and approach will be shared with all First Nations within the coming months. Important topics for consideration have been identified including resource revenue sharing, energy development, infrastructure including housing and skills development supporting the emergence or re-emergence of First Nation economies as key to Canada's overall competitiveness and progress.

## OTHER AREAS OF FOCUSED WORK

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Of course, the work at the Assembly of First Nations is not limited to the areas identified above. There are many other areas of immediate focus and attention that are also interconnected to this work. These include:

**Engaging with provincial and territorial governments:** The Assembly of Manitoba Chiefs and other leadership have advanced clear recommendations about the role of the provinces in the work ahead. While such work is necessarily and rightly led by respective regions, AFN also continues to support these efforts and advancing the importance of all jurisdictions being fully

engaged. In particular, through commitment secured by the National Chief at the Council of the Federation meeting in August 2009, a series of follow-up meetings have occurred with all Ministers of Aboriginal Affairs. These meetings have set priority action in areas of education, economic development, violence against women as well as emergency management. The next meeting will be in April 2012 and this will lead up to the Council of the Federation involving all Premiers in July 2012.

**Justice:** AFN will host a very important national forum on Justice on February 21-23, 2012. For full details – please check [www.afn.ca](http://www.afn.ca).

**Water:** AFN will host a two part conference on this issue focusing first on First Nations rights, responsibilities and connection to waters more broadly and then a technical discussion on delivery of safe drinking water. This conference will be held March 5-7, 2012. For full details, please check [www.afn.ca](http://www.afn.ca).

**Forestry:** AFN is also advancing specific discussion on all resource activity to respond to mandate advancing institutional and other capacity for First Nations. A session on forestry is confirmed for February 28<sup>th</sup> and 29<sup>th</sup>, 2012.

In addition, we will continue taking forward direction flowing from our **National Health Forum** and our **Citizenship Forum** – both of which were held in November of last year.

## **CONCLUSION**

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All of this effort requires engagement and direction from all First Nations. Again, the role of the AFN is to facilitate this dialogue and to help create the space so that every First Nation can decide on appropriate and effective next steps. As we continue to coordinate at the national level, we encourage every First Nation and region or Treaty group to bring forward their own plans. AFN is committed to supporting and advancing your efforts.

We will also continue to provide updates to all First Nations of the work and progress at the national level. We encourage every region to consider their plans and priorities, to advance this work through regional dialogue and resolution for our collective consideration, debate and resolution at the next Annual General Assembly July 2012.