2012
FIRST NATIONS PLAN:
Honouring our Past,
Affirming our Rights,
Seizing our Future
ABOUT THE ASSEMBLY OF FIRST NATIONS

The Assembly of First Nations (AFN) is the national organization representing First Nations citizens in Canada. This includes more than 800,000 citizens living in 633 First Nations communities, as well as rural and urban areas.

Every Chief in Canada is entitled to be a member of the AFN. The National Chief is elected by the Chiefs who are in turn elected by their citizens. Policy and direction for the AFN is established by the Chiefs-in-Assembly through the passage of resolutions.

The AFN is an advocacy organization for First Nations. Its role is to advance First Nation priorities and objectives as mandated by the Chiefs-in-Assembly. This includes providing an organizing and coordinating role, providing legal and policy analysis, communicating with governments and the general public, facilitating national and regional discussions and facilitating relationship building between the Crown and First Nations.

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Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

- Article 3 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

First Nations throughout Canada have clear Treaty and Indigenous title and rights and jurisdiction over their territories and peoples. The earliest period of Crown - First Nation relations is characterized by alliance, friendship and mutual benefit, respect and recognition. However, the imposition of the Indian Act and policies pursuant to the Act directly subverted and denied such recognition. Canada’s most senior officials commented that “our objective is to continue until there is not a single Indian in Canada” and an overall process to bring Indigenous peoples from, according to them, our “savage and unproductive” state by imposing European-style civilization through the residential schools and specific laws and policies outlawing culture, language, spiritual practices and even denying basic rights of association and movement.

Building on the strong foundation set through Treaty making, constitutional processes, the Apology offered to Survivors of Residential schools and the endorsement of the United Nations Declaration of the Rights of Indigenous Peoples, First Nations are now advancing a clear path forward to re-set and renew the Crown-First Nation relationship. The Crown-First Nations Gathering January on 24, 2012 is the next critical step as First Nations take forward our specific plans for progress based on our rights and responsibilities.

It is clear that every First Nation, Nation or Treaty group, through individual and regional dialogue, respectful of their local and regional circumstances, must have the full opportunity to consider options, to design and ultimately to restore and rebuild self-determination reflective of their own vision, rights and responsibilities.

At the same time, there are clear common elements and principles that are shared among First Nations. The mandate of the Assembly of First Nations (AFN) is to facilitate, foster and advance support for all First Nation governments pursuing and giving full expression to their right to self-determination, the implementation of Treaties, inherent rights, Aboriginal title and jurisdiction. This is the path forward that will enable First Nations to build safe, healthy and secure communities, generate sustainable economic activity, create jobs and foster optimism and success in every First Nation citizen regardless of where they reside.

Decades of research, legal challenges, studies and advocacy by First Nation leadership and citizens directly inform this work. These include the Wahbung report, the 1981 Declaration of First Nations leaders, the constitutional talks of the 80s, the 1983 Penner Report, the 1996 Report of the Royal
Commission on Aboriginal Peoples (RCAP) and the mandate provided to AFN in the 2005 Recognition and Implementation of First Nation governments work.

First Nations have confirmed a clear and focused plan – Our Plan is a common and united front across Canada. As summarized by national consensus in Resolution 6/2007, it requires Reconciliation and Recognition of First Nation Governments affirming Treaty and Aboriginal rights, consistent with section 35, Constitution Act, 1982; Sustainability and Structural Change by Implementing First Nation governments including the transformation of the fiscal relationship between the Federal Crown and First Nations to enable sustainable, stable transfers, First Nation government capacity and nation-building through institutional development and supports; and policy change and machinery of government changes in the form of eliminating the Indian Act and the Department of Indian Affairs.

VISION

First Nations seek to ‘smash the status quo’ - conditions that disadvantage, disempower and harm First Nations. First Nations seek to renew the Crown-First Nations relationship on the basis of respect, recognition and reconciliation. Moving forward, a shared commitment to full implementation, equity, mutual accountability, and effective joint monitoring and oversight is needed.

KEY OVERARCHING ELEMENTS

1. First Nation - Crown Relationship
2. New Fiscal Relationships
3. Implementation of First Nation Governments
4. Structural Change
1. **FIRST NATION - CROWN RELATIONSHIP**

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

As stated in its Preamble, the United Nations Declaration on the Rights of Indigenous Peoples sets out a standard of achievement to be pursued in a spirit of partnership and mutual respect.

The Royal Proclamation of 1763 and Treaties entered into between the Crown and First Nations embody a nation-to-nation relationship, based on the right of self-determination and the principles of peaceful coexistence and sharing. This relationship has been systematically eroded by federal policies and legislation over the years. The Crown and First Nations need to reset and renew the relationship, based on the principles of self-determination and the spirit and intent of Treaties, as understood by First Nations. New mechanisms and processes need to be put in place to reaffirm and rebuild the nation-to-nation relationship.

**Past Recommendations:**

The Penner Report recommended that a First Nations Recognition Act be developed jointly with First Nations; that Canada adopt legislation authorizing it to enter into agreements with First Nations on power sharing and to define respective jurisdictions; and, legislation under the authority of s. 91(24) of the Constitution Act, 1867 designed to occupy all areas of competence necessary to permit First Nations to govern themselves effectively.

In 2006, RCAP recommended that Parliament enact an Aboriginal Nations Recognition and Government Act as well as establishing continuing and bilateral processes to renew the Crown’s relationship with First Nations.

Changing the relationship through such mechanisms would create tangible steps towards reconciliation as has been called for by the Supreme Court of Canada and promised through the 2008 Indian Residential School Apology by the Prime Minster.
Next Steps:

The Crown First Nations Gathering, as a tangible step forward from the Apology and the endorsement of the United Nations Declaration, will occur on January 24, 2012. This Gathering must be grounded in ceremony to reflect original tenets of the nation to nation relationship, including respect, peace, friendship and mutual benefit.

1. Agreement between First Nations and the Crown to hold such Gatherings at regular intervals to renew and re-establish the relationship, measure progress on shared objectives and to confirm an agenda for the future through mutual agreement.
2. Treaty First Nations will bring forward collective views on Treaties and engage directly with the Crown on means to advance Treaty implementation.
3. First Nations will also look to bring forward specific plans in key areas and seek commitment to implementation (see below under Building First Nations Governments) – the next step may involve provincial and territorial governments as partners in implementation and commitment of all jurisdictions.
4. A process to jointly examine options for a broad Crown – First Nations Framework or Agreement on advancing / recognizing the First Nations-Crown relationship should begin. This may include recommendations from RCAP, standards for monitoring and compliance regarding the honour of the Crown, a Parliamentary Proclamation / Order in Council to achieve significant advancements in recognizing and implementing First Nation governments.
5. A related area of work would be jointly establishing principles and approaches for joint legislative development on matters affecting First Nation rights and interests. Such legislation would be an interim measure until the full implementation of First Nation laws.

2. NEW FISCAL RELATIONSHIPS

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions. (Article 4 UNDRIP)

Historic and current underfunding of First Nations through all aspects of their programming and government services has been extremely well documented.

First Nation citizens do not enjoy services comparable to those provided to Canadians. While Canadians receive services from all levels of government, through direct federal transfers to provinces and territories, and at an average annual growth rate of 6.6% per year, Finance Canada has maintained an arbitrary 2% cap on spending increases on core services for First Nations since 1996. Yet, First Nation
Governments provide a huge range of programs and services to their citizens – in other cases provided through a combination of three levels of government with associated institutional support.

Current funding practices and mechanisms are not reflective of the original Nation-to-Nation relationship. First Nation governments are not treated as legal entities by Canada, but instead, are subject to the same funding arrangements as organizations and are primarily funded through multiple annual, discretionary Contribution Agreements.

**Past Recommendations:**

The Auditor General concluded in the June 2011 Status Report:

*The use of contribution agreements to fund services for First Nations communities has also led to uncertainty about funding levels. Statutory programs such as land claim agreements must be fully funded, but this is not the case for services provided through contribution agreements. Accordingly, it is not certain whether funding levels provided to First Nations in one year will be available the following year. This situation creates a level of uncertainty for First Nations and makes long-term planning difficult. In contrast, legislation may commit the federal government to provide statutory funding to meet defined levels of service. A legislative base including statutory funding could remove the uncertainty that results when funding for services depends on the availability of resources.*

First Nation governments need new fiscal transfer arrangements as legal Nation entities based on a stable allocation reflecting demographics, need and inflation, as well as the spirit and intent of treaties and the principles contained in the United Nations Declaration on the Rights of Indigenous Peoples.

**Next Steps:**

1. Seek clear commitment to fiscal principles as outlined by First Nations and the AFN in pre-budget submissions as a fundamental first step in transforming the fiscal relationship including: equity, fairness, stability, predictability, accountability, flexibility, authority/autonomy and access to capital.
2. Conduct a joint analysis that evaluates existing practices in fiscal transfers (using federal, provincial and territorial models, resource revenue sharing, international examples) and identify options for new fiscal mechanisms.
3. First Nations to examine effective reporting and accountability practices and processes for support, development of standards and accreditation.
3. **Implementation of First Nation Governments**

*Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.* (Article 18, UNDRIP)

First Nation governments in Canada have faced relentless challenges to their capacity to govern their own affairs and interact with other governments – to benefit from and participate in the management of resources within their traditional lands, to discuss principles of trade and commerce, interaction of laws, movement of people between jurisdictions, among other matters. The Treaty relationship and the experience of Treaty making provides the principles of partnership, sharing and fair-dealings. This is not however how the relationship with Canada and First Nations has proceeded over time.

As in the attached detailed specific plans, whether in health, education, child welfare, housing, economic development and infrastructure, First Nations express a common framework for moving forward. The approach is based on First Nation rights to:

- affirm First Nation jurisdiction;
- secure fair, sustainable funding to build effective First Nation governmental and institutional capacity within a new fiscal relationship;
- enable effective intergovernmental cooperation; and
- advance new partnerships.

Within every sectoral area, we see concrete advancements and clear plans for change. Already, we see specific progress being achieved through First Nation advancement in these areas – examples include the Mi’kmaq education authority, the Alberta education MOU, the recent BC First Nation health agreement and many others.

In addition to these approaches, First Nations have also advanced comprehensive self-government agreements. A major obstacle to more agreements is the federal self-government policy which must be changed to bring it in line with the principles of recognition and affirmation in Section 35 of the Constitution Act, 1982. The single biggest challenge facing existing agreements is securing effective implementation and monitoring by all parties to the agreement in particular the federal government and other governments that may be involved.

Implementing and strengthening First Nation governments also requires special focus on the core capacity of First Nation governments and their ability to move forward on strategic and comprehensive
community planning. Also, focus is required in the following areas as consistently mandated through resolution and affirmed in the UNDRIP, including citizenship, leadership selection and dispute resolution.

Moving forward, transitional mechanisms are required to support First Nations to re-build structures and capacity, while ensuring accountability to citizens and the adequate provision of needed services.

**Next Steps:**

1. Support the effective implementation of agreements through joint implementation planning and clear commitment of all jurisdictions to monitor successful implementation and make adjustments as required.
2. Commitment to key policy reform including the federal policies on self-government and comprehensive claims to lead to fair, expeditious settlement. This will involve a clear political commitment to change based on the principles of recognition and affirmation rather than denial and extinguishment.
3. First Nations to conduct comprehensive community planning, so that all Nations can move forward on their own priorities as identified by their citizens, at the rate and pace of their own choosing.
4. Support the development of regional-driven tools and supports for First Nation governments respectful of regional realities and regional approaches.
5. Support and enable First Nation government capacity and institution building as directed by and directly serving First Nation governments with consideration to nationally mandated structures, such as the proposed Virtual Institute for energy and mining.
6. Specific and sustained investment in critical areas essential to address barriers to progress with priority in education as well as overall health and safety including safe drinking water and adequate shelter.

**4. STRUCTURAL CHANGE**

**Past Recommendations:**

The June 2011 Status Report of the Auditor General reflected on 10 years of recommendations to improve the living conditions of First Nations, and observed that there had been little measurable improvement. Ultimately, the Auditor General concluded that structural impediments prevented improvements for First Nations and that these must change if any meaningful change is to occur.

The Royal Commission on Aboriginal Peoples had recommended fundamental restructuring within Government to better reflect the Nation-to-Nation relationship and to move beyond entrenched
impediments. Recommendations include abolishing the Department of Indian Affairs and Northern Development (recently renamed Aboriginal Affairs and Northern Development Canada, or AANDC) and creating a Department of Aboriginal Relations and a Department of Indian and Inuit Services. RCAP also recommended a continuing bilateral process to implement and renew the Crown’s relationship with and obligations to the Treaty nations under the historical Treaties, in accordance with the Treaties’ spirit and intent, along with the establishment of a Crown-Treaty office within the Department of Aboriginal Relations.

Such structural changes would support the other elements identified and better ensure that funding identified to support First Nation governments is used for these purposes as opposed to supporting increased bureaucracy.

**Next Steps:**

1. First and foremost, affirmation of First Nation control over First Nation interests is required
2. Careful legal review is required to assess the impact and implications of transition options related to any structural change to ensure that provisions that are required in accordance with inherent and Treaty rights are maintained. First Nations work in this area began with special presentation to the Special Chiefs Assembly December 2011.
3. Conduct a review of current federal structures tasked with providing services to First Nations for relevancy and efficiency and create recommendations for new federal machinery with clear performance measures for First Nations.
4. Dissolve AANDC and create a new entity with clear responsibility and mandate to maintain the First Nation-Crown relationship
5. Advance internal First Nation strategies for structural change to support First Nation re-building and advancement of governing regimes to ensure effectiveness, efficiency and excellence in service provided to all First Nation citizens
6. Advance effective intergovernmental arrangements that ensure equity and harmony of services between First Nation governments and reconciliation with relevant provincial or federal laws.
FIRST NATION SPECIFIC PLANS FOR CHANGE IN KEY AREAS

Supported by and grounded in the broad vision and directed by Chiefs-in-Assembly, the AFN has developed specific plans to achieve results in key interest areas.

The following outlines the critical steps and actions needed in these areas – building on the broader, transformational shifts outlined previously – to achieve change.

Supporting Families and Communities
  • Lifelong Learning
  • First Nation Languages & Culture
  • Health
  • Social Development & Child Welfare
  • Infrastructure and Housing
  • Emergency Preparedness & Response

Exercising and Implementing Our Rights
  • Treaties
  • Land Rights and Claims
  • Justice

Supporting First Nation Governments
  • Recognition and Support of First Nation Governments
  • Accountability
  • New Fiscal Relationships

Advancing Economic and Environmental Interests
  • Economic Partnerships
  • Environment
  • Natural Resources
  • Fisheries
SUPPORTING FIRST NATION FAMILIES AND COMMUNITIES

AFN will work with and support First Nations to ensure respect for, the health and well-being of, and opportunity for First Nations youth, families and communities. Through education and skills training, we have an opportunity to overcome the attempts of the residential school system to destroy our cultures and languages by dividing our communities and families.

This is our time to use education as our tool to retain and maintain the strength of First Nations languages, history, teachings and values while facilitating better understanding between First Nations and the rest of Canadian society.

First Nation families and communities deserve safety and security, which includes adequate housing, health services, and the provision of essential infrastructure such as clean drinking water. Families and communities must be fully supported in fulfilling their roles in securing success and opportunity for their children.

The rebuilding of families and communities will promote First Nations participation in strong and sustainable economies locally and nationally. This is our time to empower our fast growing youth population in ways that will ensure a future of opportunity, success and prosperity. The voices of our youth must be heard, understood and included.

AFN Strategic Plan, 2009
LIFELONG LEARNING

First Nations have long advocated for the development and implementation of comprehensive education systems under full First Nation jurisdiction that support quality lifelong learning grounded in First Nations’ languages, cultures, traditions, values and worldviews.

AFN Resolution 12-2010 notes that “First Nations leaders and educators recognize that the right to and policy of Indian Control of Indian Education still applies in 2010 as it did in 1972.” The resolution adopts First Nations Control of First Nations Education 2010 as the national First Nations education policy. In 2010 the government of Canada endorsed the United Nations Declaration on the Rights of Indigenous Peoples. The education provisions of the Declaration provide a framework for addressing issues in First Nations education.

The following key elements are advanced as the basis for long term meaningful transformation of First Nations education:

1. **Educational Governance** – Development of the mechanisms required to implement First Nations control of First Nations education, ensure predictable and equitable funding, and clarify roles and responsibilities of the Crown.
2. **Immediate Measures** – Support of immediate measures for all First Nations education programs, prior to full education reform, that are needed to ensure that every First Nation learner has access to education programs and services comparable to those offered by Canada’s provincial and territorial education systems.
4. **Partnerships** – Work with organizations, the public and private sector to invest in our schools and our learners and to develop standards of cultural competency for all educators.
5. **Education Infrastructure** – Ensure that all First Nations learners, regardless of residency, have access to healthy and safe education institutions.

These elements are premised on empowering First Nations to take control of their education. The AFN, in collaboration with First Nations communities and leadership, has driven a number of key education initiatives to support this premise:

- Indian Control of Indian Education (1972)
THE FIRST NATIONS PLAN

The following represents the First Nations Plan for Education for the time period between 2012 and 2017. It is expected that there will be no unilateral changes to First Nations education budgets or programs prior to the plan going into effect.

1. Educational Governance

Immediate

- Establish the necessary implementation mechanisms required for First Nations to exercise full control over all aspects of lifelong learning.
- Development of long-term funding mechanisms (formula, agreements, etc.) that provide sustainable, equitable and predictable funding based on real costs and indexation over all aspects of lifelong learning.

By 2017

- Use agreed upon mechanisms to implement full First Nation control over lifelong learning including early learning, elementary, secondary and post-secondary education and First Nations institutions of Higher Learning.
• A statutory basis to enable First Nations control of First Nations education, ensures predictable and equitable funding, and clarifies roles and responsibilities of the Crown.

2. Immediate Measures

Immediate
• Remove the 2% cap on annual expenditure increases in education.
• Implement immediate interim funding measures to support all First Nations education programs to ensure comparability of programs and services with those offered by provincial/territorial education systems prior to full education reform.
• Increase support for existing First Nations post-secondary education programs, including First Nations post-secondary institutions.
• Ensure culturally relevant early learning programs for all First Nations children.
• Provide inclusive student support services for all First Nations learners, reflecting requirements for students with special needs.

3. First Nations Learning Systems

Immediate
• Building on existing infrastructure, identify resource requirements for the implementation of First Nations education systems, including early learning, elementary-secondary, and post-secondary.

By 2017
• Implementation of First Nations education systems that include second and third level services for educators, curriculum development, education standards, data management systems, research and development across all aspects of lifelong learning.

4. Partnerships

Immediate
• Building on existing infrastructure, identify resource requirements for the implementation of First Nations education systems, including early learning, elementary-secondary, and post-secondary.
By 2017

- All students in Canada have access to culturally appropriate curriculum that addresses the contributions, histories and cultures of First Nations and the impacts of colonialism on Indigenous peoples.
- Intergovernmental agreements are in place to: recognize and support First Nations control of First Nations lifelong learning, address transferability between systems, and facilitate exchange and cooperation.
- Building upon the National Apology for the legacy of residential schools, implement a national public education strategy that informs and educates all members of the public about First Nations.

5. Education Infrastructure

Immediate

- Immediate financial support for renovating existing education institutions/facilities and building new ones where required.
- Support and enhance the transportation infrastructure required for education, including early learning, special needs, and adult education.

By 2017

- Ensure that all First Nations learners, regardless of residency, have access to healthy and safe education institutions.
FIRST NATIONS LANGUAGE AND CULTURE

The Assembly of First Nations Language Implementation Plan, adopted by Chiefs in Assembly in 2007, outlines a collective and collaborative process for the revitalization and preservation of First Nations languages in Canada. The working group for the Language Implementation Plan established the following vision:

“Languages are a gift from the Creator which carry with them unique and irreplaceable values and spiritual beliefs that allow speakers to relate with their ancestors and to take part in sacred ceremonies. It is our vision that the present generation recover and strengthen the ability to speak these sacred, living languages and pass them on so that the seventh and future generations will be fluent in them. As they belong to the original peoples of this country, First Nations languages must be revitalized, protected and promoted as a fundamental element of Canadian heritage.”

To realize the vision the working group developed five goals, which are based on the legal rights for Indigenous languages outlined in various United Nations documents and consistent with First Nations policy documents on Education and Language. These policy documents include, “Wahbung, our Tomorrows” and “First Nations Control of First Nations Education”, among others. The five underpinning goals of the Implementation Plan include:

- Increase the number of First Nations people who speak their language by increasing the opportunities to learn their language.
- Increase the opportunities to use First Nations languages by increasing the number of circumstances and situations where First Nations languages can be used.
- Improve the proficiency levels of First Nations citizens in speaking, listening to, reading and writing First Nations languages.

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**Article 13:**

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

**UNDRIP**
Increase the rate of which First Nations languages can be enhanced, revitalized and developed so that they can be used in the full range of modern activities.

Foster among First Nations and Non-First Nations a positive attitude towards, and accurate beliefs and positive values about First Nations languages so that the acquisition of a First Nations language becomes a valued endeavour that serves to enrich Canadian society.

Other key elements of the above plan include roles and responsibilities for governments, communities, and schools. Schools play a key role in the transmission of culture and language. The following section therefore includes revitalization and preservation of language in the context of education and schools, as well as in the context of broader First Nations conceptions of identity and citizenship. This plan builds on the vision and the associated five goals developed and adopted in the Assembly of First Nations Language Implementation Plan 2007.

With the 2008 apology by Canada to survivors of Residential Schools and Canada’s adoption of the United Nations Declaration on the Rights of Indigenous Peoples, the time is right for the establishment of a new relationship between Canada and First Nations. This new relationship should encompass a collaborative effort between the Federal government and First Nations to revitalize and preserve the First Nations languages that are such an important part of pre- and post-confederation Canada.

THE FIRST NATIONS PLAN

First Nation Language Recognition and Revitalization

Immediate

• Establish the necessary implementation mechanisms to ensure that First Nations languages are recognized as official languages which are irreplaceable and integral to the national character, and that First Nations jurisdiction over language and culture programming is assured.
• Ensure that First Nations priorities, principles, and strategic plans are resourced in preparation for full implementation of language and cultural programming.

By 2017

• Legislation which recognizes First Nations languages as official languages in Canada, acknowledging that First Nations languages fulfill a vital role in maintaining cultural traditions and values, family protocols, social cohesion, sacred knowledge, and spiritual continuity, and ensures the provision of funding equitable to that provided to support other official languages in Canada.
• Improved proficiency levels of First Nations citizens in speaking, listening, reading, and writing in First Nations languages.
• Increased amount of literature, artistic works, videos, academic works, pedagogical material, public communications, public services, and all manner of communications to be available in First Nations languages.
• All government departments shall coordinate federal plans, functions, programs, and resources to revitalize and protect First Nations languages.

First Nation Language and Culture-Based Education and Training

Immediate
• Implement immediate interim funding measures to support all First Nations language and culture programs in education institutions consistent with funding provided for official languages.
• Implement programs to enable a greater cohort of teachers who are fluent in First Nations languages.
• Develop secondary and tertiary supports to support First Nations languages instruction, curriculum and administration covering the full spectrum of lifelong learning from early childhood to adult education.

By 2017
• Secure, predictable and equitable funding ensures that First Nations will have the infrastructure to deliver appropriate language and culture programming across the holistic lifelong learning spectrum.
• Every First Nations person has access to appropriate language and cultural programming that is driven by First Nations and enables First Nations control of First Nations language and culture.
• Increased number of First Nation teachers who are fluent in First Nations languages.
• Increased numbers of First Nation language immersion programs throughout the lifelong learning spectrum.
HEALTH

The First Nations vision is to have a First Nations controlled and sustainable health system that adopts a holistic and culturally appropriate approach. This vision includes access, services and benefits to all First Nations people, regardless of where they live. It is the goal of all persons working to address First Nations health that communities will regain or improve their wellness and individuals will live healthy, empowered lives. Efforts to achieve this health system will span a spectrum of activities from realigning the system to wellness and disease prevention, ensuring that First Nations have an equitable provision of health services, and establishing a recognized First Nations jurisdiction in health services supported by sustainable funding.

To attain this, First Nation leadership must work towards developing a national partnership agreement with the objective of closing the gap in health outcomes between First Nation and non-First Nation Canadians. Such agreements would require parties to be committed to addressing the issue of reducing First Nation health inequity in Canada and responding to the disparity in First Nation health outcomes.

To address these issues, First Nation leadership identified 8 priority areas:
1. Jurisdictional Equity and Structural Change;
2. Governance and Self Determination;
3. Sustainability in First Nations Health;
4. Integrated Primary and Continuing Care;
5. Health Human Resources;
6. Public Health Infrastructure;
7. Holistic Healing and Wellness; and
8. Information and Research Governance.

Realizing change for First Nations people will recognize the need for all governments to work together and include clear acknowledgement of the contribution of health and community safety towards closing the gap of First Nations health outcomes.

The First Nations Health Plan (FNHP) provides a First Nations operational level response to policy directions by conceptualizing two key concepts: sustainability and integration. With direction from the...
AFN Chiefs Committee on Health, health policy in its most condensed form can be summarized into three interconnected themes: sustainability of health services; the creation and maintenance of First Nation capacity and system development; and, governance and self-determination. The determinants of health provide a fourth, overarching, strategic theme that links health into the broader First Nations landscape of economic development, housing, education, and social needs.

To achieve the vision of a First Nation controlled health system, the FNHP is premised on two fundamental concepts:

- Sustainability requires funding matched to population growth, health needs, and real cost drivers, as well as effective measurements to monitor and track spending. This will ensure that funding results in real improvement in First Nation health outcomes. Ultimately, sustainability will only be achieved as progress is made to establish First Nation control, management, and delivery of health systems.
- Integration is essential to overcome the myriad of health programming at federal, provincial and municipal levels that creates devastating gaps in First Nation health. Empowered First Nations will integrate health services and programs across jurisdictions to create a new holistic framework of First Nation health system renewal.

The FNHP provides a comprehensive plan to achieve transformative change in the longer term, as well as immediate improvement in the health of First Nations.

**The overall goal of the FNHP is a First Nations controlled and sustainable health system that adopts a holistic and culturally appropriate approach to ensure optimal levels of health of First Nation citizens.**
First Nation health authorities, with options for integrated funding and service delivery approaches, will be essential to addressing systemic inequities in health status and access to quality care, at individual, community, and Nation levels.

This Health Plan has been built from regional, national, and political perspectives and ongoing collaboration among all levels. In order to realize the vision of First Nations, meaningful participation with Federal/Provincial/Territorial (F/P/T) First Ministers will be critical to advance tripartite and bipartite health accords that address systemic inequities in First Nation health and well-being at individual, family and community levels. This requires a voice in discussions surrounding the renewal of the Health Accord in 2014.

The FNHP focuses the provision of health services, and the underlying economic and social framework that perpetuates historical and social injustices. It is comprised of 8 interconnected elements as recommended by First Nations leadership which provide practical solutions for sustainable, transformative change. These elements are:

1. **JURISDICTIONAL EQUITY AND STRUCTURAL CHANGE**
   This element speaks to the affirmation of governments to strengthen their relationships with First Nations, based on enhanced collaboration, effective working relationships and mutual respect.

2. **GOVERNANCE AND SELF DETERMINATION**
   Governance and self-determination are at the heart of the FNHP’s vision which describes a First Nation controlled and sustainable health system.

3. **SUSTAINABILITY IN FIRST NATIONS HEALTH**
   Adequate, stable funding for health programs and services is a high priority for First Nations. Health funding for First Nation communities will be based on the needs of the population, and will be flexible, sufficient and sustainable. An annual escalator will include population growth, inflation, aging, and will be indexed to match per capita provincial/territorial health enrichment adjusted for higher First Nations need.

4. **INTEGRATED PRIMARY AND CONTINUING CARE**
   The First Nations view of a health system encompasses all relevant health needs to their membership living off reserve, and a seamless provision of health services within First Nation communities regardless of jurisdiction. Innovative models of integrated care must be developed, and all governments must acknowledge the principal role of First Nation governments in delivering primary and continuing health care services.
5. HEALTH HUMAN RESOURCES
Investments are recommended in cultural competency, accreditation of First Nation training institutions, partnership development, academic standards, new education opportunities including innovative approaches to providing community-based training and school counseling. Traditional medicine should be promoted, and the practice protected.

6. PUBLIC HEALTH INFRASTRUCTURE
The health system vision includes an integrated, comprehensive, public health system that promotes and protects health, prevents injury and disease and responds to on-reserve public health emergencies. Achieving this vision requires a broader constitutional and statutory framework that will entrench First Nation activities in public health.

7. HOLISTIC HEALING AND WELLNESS
Addressing chronic disease, restoring mental well-being, and ensuring children receive all of the services they need for comprehensive care will require action on many fronts, from sustainable health promotion programming to the implementation of the Mental Wellness Strategy Action Plan and an integrated approach to social development and the determinants of health within a population health framework.

8. INFORMATION AND RESEARCH GOVERNANCE
First Nations perspectives must be considered in the work to create national health infostructure, participating as full partners and recognizing First Nations jurisdiction over information concerning their populations. The development of the First Nations Health Infostructure (FNHI) will be driven by the needs of individual First Nation community health systems and of First Nation authorities and organizations.

THE FIRST NATIONS PLAN

Immediate
- Affirm First Nation rights to advance First Nation health systems that are culturally appropriate and effective.
- Secure agreement from Federal, Provincial and Territorial governments to dedicate efforts and resources in order to achieve a First Nation controlled and sustainable health system that adopts a holistic and culturally appropriate approach.
- Active inclusion of First Nations in all discussions pertaining to the 2014 renewal of the Health Accord, to ensure First Nation interests are adequately and appropriately reflected.
**Interim**

- Fully articulate, map-out and clarify First Nation and Federal, Provincial and Territorial responsibilities and relationships with regards to the provision of health services to resolve jurisdictional impediments to the provision of appropriate and seamless health service delivery.
- Exploration of new arrangements that support a seamless health care system while supporting the gradual assumption of control and jurisdiction.
- Establish multi-partite or multi-jurisdictional forums to address integration.
- Improve coordination and effective intergovernmental cooperation and partnership.
- Develop and implement protocols on health information data collection and management that reflect OCAP principles.

**By 2017**

- Services and programs better reflect First Nation rights and health needs, priorities, interests and matters.
- Delivering sustainable, fair and equitable funding for First Nation health services.
- First Nations have access/ownership/control of information to be able to advocate health needs, priorities, interests and matters.
- Stakeholders have the tools and the opportunities to better address First Nation health needs and priorities.
Aboriginal Affairs and Northern Development Canada (AANDC), in collaboration with the Assembly of First Nations (AFN) and First Nation partners, as well as other government departments and provincial/territorial (PT) representatives, developed a long term comprehensive social development policy framework to support the renewal of the Department’s social development policy and program authorities in 2006. This policy development work was undertaken under the auspices of the First Nations/INAC Policy Advisory Group (FNIPAG).

From the outset, FNIPAG took the view that structural and meaningful change would be required if major headway was going to be made on the entrenched social problems facing many of First Nations. The data on the depth and breadth of the social issues confronting First Nations is well known – levels of child and family poverty many times the Canadian average; exceptionally high incidences of First Nation children-in-care, family violence, drug abuse and youth suicides; and chronic dependence on income assistance. Statistics and research demonstrate that the current suite of social programs and services does not meet First Nation needs, nor do the programs adequately respond to the socio-economic challenges faced by First Nation people or meet the basic services and standards that are provided in other Canadian communities. In order to increase the economic and social participation and quality of life of First Nation people, fundamental changes are required to address the root causes and structural barriers that have impeded progress to date.

The following is the proposed long-term vision for federal social development policy and programs:

“Healthy, safe and sustainable First Nation communities by way of an inclusive, holistic and culturally-based social development system that promotes control and jurisdiction.”

This vision is First Nation-centered in that it recognizes first and foremost the needs, concerns and aspirations of First Nations. It recognizes that for First Nations an inclusive, holistic approach and culture relevance are the foundations for good programming and service delivery.

As the goals and principles make clear, this vision is not of a separate and distinct First Nation social development system. Rather the vision is one of an ongoing partnership between First Nations and the Federal, Provincial and Territorial governments that would see services harmonized so that First Nation citizens can access the services they need in an integrated and seamless fashion.

The following social development policy goals have been developed with three primary considerations in mind. First, the goals need to be comprehensive so that when taken together they provide a basis for
achieving the overall policy vision. Second, the goals need to be measurable so that key results and indicators can be defined and progress monitored and evaluated. Third, the goals should be ambitious ones. Social problems in many First Nations are acute and long standing and require concerted action. Moreover, time is of the essence. The implications of the youth demographic in First Nations are clear. Without concerted action, Canada risks having another generation of First Nation citizens carrying a third-world-like burden of social disadvantage.

**THE FIRST NATIONS PLAN**

**Immediate**
- Begin immediate discussions on resurrecting the collaborative approach that led to the Social Development Policy Framework.
- Program stabilization in the provision of adequate funding and capacity for clear achievement of social outcomes, including the clear protection of First Nation children.

**Interim**
- Explore options designed to lead to First Nation control over all culturally appropriate social development system, including tri-partite, bi-partite agreements, legislation and or other approaches as determined by First Nations.
- The development of First Nation accreditation bodies and Institutions that support the enhancement of First Nation capacity in the areas of standards and quality of practice, service, staff and governance.
- Develop strategy to address the unique challenges plaguing northern and remote communities such as cost of living, rate structures and limited economic and employment opportunities.
- Ensure the social development system is appropriately linked to the health system recognizing the importance of the “social determinants of health”.
- The establishment of appropriate reporting mechanisms to ensure adequate measures and public reporting.

**By 2017**
- Formalize National and Regional mechanisms to accommodate and support First Nations control.
- Development of infrastructure to support enhanced integration of service delivery.
- Achievement of equitable access to First Nation-designed and -delivered social development system.
INFRASTRUCTURE AND HOUSING

Safe and reliable community infrastructure and housing are central priorities for First Nations as they are critical to supporting human capital and the overall health, educational achievement and economic participation of First Nation citizens. However, many First Nation communities lack essential capital, clean water and adequate housing.

Priorities have been affirmed by Chiefs and ongoing work in this area has been guided by the AFN Chiefs Committee on Housing and Infrastructure.

Infrastructure

Strong and sustainable community infrastructure supports all aspects of individual and collective health. However, due to factors such as chronic underfunding caused by the 2% cap on First Nations programs instituted in 1996, extreme climate challenges, and catastrophic natural events such as flooding and fires, many First Nations cannot provide stable infrastructure in their communities. “Building Futures”, a study commissioned by the federal government and released in 2006, identified a $15.2B to $25.6B need for First Nations major assets in the 15 years following the release of the report.

A clear example of this is in the area of drinking water and wastewater treatment. Currently there are 125 First Nation communities with Drinking Water Advisories including four Do Not Consume Advisories; 6 of these Drinking Water Advisories which have been in place for over 10 years, and 43 have been in place for five to 10 years. The National Engineering Assessment released by the Federal Government in July 2011 concluded that 73% of First Nation water systems have major deficiencies and pose a high risk to the quality of water. These deficiencies may lead to potential health and safety or environmental concerns. The assessment identified a need of $4.7 billion for water and wastewater over the next ten years.

Chiefs have consistently called for the protection of the Aboriginal and Treaty right to water. The management of water resources, wastewater treatment and the protection of source water is a right that First Nations have not relinquished. In addition, access to clean drinking water is a universal human right, recently affirmed by the United Nations. Canada has a responsibility to ensure clean drinking water in First Nations communities.

Housing

Currently, there is a back-log of 85,000 new housing units needed across First Nations to address basic housing need. In addition, 60% of First Nation housing units are in need of repair with 33% requiring
minor repairs and 27% requiring major repair. Another 18% require replacement and are deemed uninhabitable yet are still occupied and overcrowded. The rate of overcrowding in First Nations is 4.6 people per household compared with 2.5 people per unit off reserve. Building costs are at least 30% higher in Northern and remote communities, many of which are accessible only by water, plane or winter road where possible. Houses built in these areas generally have lower life-span and require more repairs due to climactic extremes, improper building methods and materials and overcrowding.

In the Spring 2011 Status Report, the Auditor General noted that while Canada had made new investments in First Nation housing, these “have not kept pace with either the demand for new housing or the need for major renovations to existing units. According to unaudited data provided by INAC, the housing shortage on reserves has worsened since our 2003 audit because of increases in the demand for housing, the number of housing units having to be replaced, and the number of units requiring significant renovations for health and safety reasons. At the same time, since 2003, the average cost to build or renovate each house has risen significantly. In the 2008–09 fiscal year, new houses constructed on reserves amounted to only 30 percent of the existing houses that needed to be replaced.”

Federal housing allocation and management decisions are made in the absence of a cohesive, transparent and collaborative policy framework, and are often subject to other federal priorities, rather than responding to the needs and priorities of First Nations.

Chiefs-in-Assembly have called for the recognition of First Nation governments to manage and control housing and infrastructure programs from a local, Tribal Council, Treaty organization, or provincial/territorial organization structure. They have called for the transition of management and control of all housing matters from the federal government to First Nations, with an appropriate First Nation network of support, including First Nation ‘Centres of Excellence’ that are local, territorial and regional in scope and support First Nation capacity development.

THE FIRST NATIONS PLAN

Immediate

- Work jointly with First Nation governments to clearly assess and catalogue actual needs in capital, water and wastewater systems and housing.
- Immediate investments in sustainable housing, community infrastructure, including water, wastewater and source protection.
- Support for First Nations to meet and implement new wastewater effluent standards and related regulations and source water protection plans to ensure protection of water supplies in the future.
Interim

- Establish a First Nation Water Commission to support First Nation management of water systems.
- Develop public and private partnerships with First Nations to develop sustainable community capital and infrastructure and develop innovative alternative servicing options.
- Reform the Regulatory Environment to support First Nation provision of housing policies, codes, standards, by-laws and enforcement measures that frame how the operational control of housing takes place within any given First Nation.
- Ensure adequate and sustainable community infrastructure funding that reflects actual operation and maintenance costs and will enhance and protect long term investments.

By 2017

- Establish national and/or regional First Nation ‘Centres of Excellence’ to support delivery and management of housing in First Nation communities.
- Sustainable, functioning and fully resourced regional/national First Nations management of water resources, wastewater effluent, source protection that will meet or exceed existing standards.
EMERGENCY MANAGEMENT

Emergency management is the generic name of an interdisciplinary field dealing with strategic community or organizational management processes used to protect critical assets of a community or organization from hazard risks that can cause events like disasters or catastrophes and to ensure the continuance of the organization within their planned lifetime.

This is done by employing one or all of the four pillars of emergency response management:

Mitigation/Prevention
Personal mitigation is mainly about knowing and avoiding unnecessary risks. This includes an assessment of possible risks to personal/family health and to personal property.

Preparedness
Personal preparedness focuses on preparing equipment and procedures for use when a disaster occurs, i.e., planning.

Response
The response phase of an emergency may commence with search and rescue but in all cases the focus will quickly turn to fulfilling the basic humanitarian needs of the affected population.

Recovery
The recovery phase starts after the immediate threat to human life has subsided and aims to return the affected community to a sense of normalcy.

The most common emergencies affecting First Nations are floods, fires, search and rescue, or failure of community infrastructure (i.e. critical roads, bridges, etc.) due to a natural disaster, accident or ongoing and chronic stress (such as inadequate housing and community infrastructure). Many First Nation communities have the ability to deal with emergency issues up to a certain level, while others do not and must rely on emergency response by provincial agencies and/or neighbouring municipalities.

In Canada, emergency management is a provincial/territorial responsibility; however, the Aboriginal Affairs and Northern Development Canada (AANDC) Minister has accepted responsibility for supporting emergency management in on-reserve First Nation communities and has created an Emergency Issues Management Directorate (EIMD); in conjunction with this directorate, the Assembly of First Nations has created an Emergency Issues Management position to cooperate in the management of First Nations emergency issues.
There is ongoing need for greater coordination and collaboration on responses to First Nation community emergencies, and Chiefs have called for enhancements to emergency services at the community level as first – and sometimes only available – responders to local incidents.

**THE FIRST NATIONS PLAN**

**Immediate**

- Adequate funding measures and action plans for recurrent flooding, diking, housing restoration and mould remediation, and community relocation.
- Clear and immediate action to address first responder and community support – including First Nation firefighters and fire services, inclusion of automated external defibrillators in all First Nation communities, etc.
- Creation of a task force to examine transportation infrastructure to communities and explore feasibility and implementation requirements for all-weather roads to currently unserviced communities.

**Interim**

- Develop comprehensive and resourced Emergency Response Plans for all First Nations.
- First Nations and First Nation organizations’ full inclusion in the development of provincial and territorial emergency response guidelines and plans that directly impact them.
- Capacity support for prevention and management of emergencies in First Nation communities.

**By 2017**

- Full support and implementation of mitigation measures in First Nation communities regarding
  - Fire Protection
  - Fire Response
  - Health and Safety concerns
  - Search and Rescue Capabilities
- Enhanced capacity for First Nation firefighting organizations and other first responders.
- National network of First Nation Emergency Response Managers for ongoing professional development and capacity.
EXERCISING AND IMPLEMENTING OUR RIGHTS

AFN will be grounded by the full understanding that First Nations have inherent jurisdiction as Indigenous peoples of this land.

In a focused and inclusive manner, the AFN will support First Nations to implement our sacred Treaties and our constitutionally protected title and rights using clear standards, such as those set out as a minimum in the United Nations Declaration on the Rights of Indigenous Peoples.

It is our time to take steps to implement First Nations inherent rights and jurisdiction by supporting traditional governance and justice, achieving acceptable consultation and accommodation standards and securing resource revenue sharing.

AFN Strategic Plan, 2009
TREATIES

Treaties in Canada are constitutionally recognized agreements between the Crown and First Nation peoples. Treaties are solemn pacts or sacred covenants between nations. For the Crown, the basic principles of Treaty making were articulated by King George III in the Royal Proclamation of 1763, which established the constitutional foundations of Canada. Treaties between the Crown and First Nations establish a constitutional and moral basis of alliance between our peoples and the sovereign institutions of the Canadian state – one that must be built upon rather than diminished.

Most Treaties describe exchanges where First Nations agree to share some interest in their lands in return for various kinds of payments and promises from the Crown. On January 28, 1982, Justice Lord Denning, Court of Appeals for the United Kingdom affirmed the integrity and durability of the First Nation – Crown relationship by proclaiming that “They will be able to say that their rights and freedoms have been guaranteed to them by the Crown, originally by the Crown in respect of the United Kingdom, now by the Crown in respect of Canada, but, in any case, by the Crown. No Parliament shall do anything to lessen the worth of these guarantees. They should be honoured by the Crown in respect of Canada ‘as long as the sun rises and the river flows’. The promise must never be broken.”

The constitutional character of past and future Treaties between First Nations and the Crown was renewed in the Constitution Act of 1982. Section 35 of that document both recognizes and affirms “existing Aboriginal and Treaty rights.” In 1990 the Supreme Court of Canada determined that “Treaties and statutes relating to First Nations should be liberally construed and uncertainties resolved in favour of the Indians.” In the same case, the court ruled that First Nation Treaties “must therefore be construed, not according to the technical meaning of its words to learned lawyers, but in the sense in which they would naturally be understood by the Indians.”

In spite of the constitutional character of Treaties in Canada, the tendency on the part of federal and provincial governments has been to interpret Treaties as narrowly and legalistically as possible, while holding to the position that First Nations “ceded, surrendered and released” their title and rights through these instruments. This narrow and one-sided view of Treaties – essentially as “real estate” deals whereby First Nations “sold” their interests in vast parcels of land for trinkets – not only defies logic, but continues to generate significant uncertainty in many parts of Canada.

Article 37: Indigenous Peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.

UNDRIP
For First Nations, Treaties signified peace and friendship pacts, the sharing of resources, knowledge and innovations. The Treaties set out promises whereby First Nations would remain independent, their way of life would be resilient with Treaty benefits which included substantial annual payments, medical care, education, food, tools and increases to these annual grants in lieu of other supplies, all to be administered by the Crown. These benefits have largely been ignored by the Crown.

**THE FIRST NATIONS PLAN**

**Immediate**
- Declaration that Canada is committed to Treaty processes and will implement all components of the Treaties and provide full benefits to the First Nations covered under the Treaties.
- Establish a table with First Nation Treaty groups for the clarification of the Treaty relationship for implementation of Treaty rights.
- Revitalize the Treaty relationship and develop a modern context to historical benefits for First Nations.

**Interim**
- While discussions are ongoing with Treaty Nations, the Crown shall share economic prosperity with First Nations and continue to nurture First Nation communities and protect their rights and interests.
- The Crown shall preserve First Nation interests in natural resources, the environment, water and lands. Thus, a brief moratorium on the granting of stakes and other interests to third parties is in order.

**Long term**
- Parties to the Treaties shall take steps to revitalize the treaty relationship. This would include:
  - Recognition that the Treaty relationship is perpetual and unalterable in its principles.
  - Reversing the damage done by the non-implementation of the spirit and intent of the Treaties.
  - Elimination of the *Indian Act*.
  - Extending Treaty benefits to all descendants of the original signatories of the Treaties.
  - Provision of economic opportunities to the Treaty First Nations.
  - Recognition that Treaty benefits and rights will require differential treatment from other Canadian.
- The Parties will need to fully implement the Treaties. Treaty implementation and Treaty-making should include:
2012 First Nations Plan: Honouring our Past, Affirming our Rights, Seizing our Future

• governance, including justice systems, stable financial/fiscal arrangements, and jurisdictional arrangements;
• territories and resources;
• economic rights including, resource revenue sharing, annuities and to use our territories to sustain ourselves including our hunting, fishing, gathering and trapping rights;
• specific rights flowing from our treaties that are obligations owed by the Crown; and
• other matters relevant to Treaty relationships.

• Any conflicts are reconciled in the spirit and intent of the Treaty as understood by the Indigenous Nations. When disputes cannot be resolved in relation to such treaties, these shall be submitted to competent bodies established by the Treaty Nations and the Crown.

• The Parties make a joint declaration on their shared responsibility for treaty implementation, either as part of the Joint Declaration on the treaty relationship or separately signed as a supplement to it.

January 20, 2012
LAND RIGHTS AND CLAIMS

Land has always been central to the identity, way-of-life, and livelihood of First Nation peoples. As a result, the unilateral alienation of First Nation lands has long been the focus of First Nation advocacy and resistance.

Over the years, the Crown has established a variety of mechanisms in an effort to resolve issues arising from the non-fulfilment of Treaties and other agreements with First Nations, but the outcomes of these efforts have largely failed. Similarly, the Crown’s approach to the negotiation of treaties in the modern era, since 1973, through its Comprehensive Land Claims Policy has also failed to lead to a reconciliation of Aboriginal rights and title in most parts of Canada.

These discussions have centred on three broad policy areas: Specific Claims, Additions to Reserve, and Comprehensive Claims. The Chiefs-in-Assembly have passed a range of resolutions pertaining to these areas, most recently these have included:

- 17/2011 – Specific Claims Tribunal Act Timelines
- 70/2011 – Improving the Additions to Reserve Policy and Process
- 71/2011 – Comprehensive Claims Policy Reform Initiative

There are, in addition, a number of other related focal areas, including land rights / claims over $150M, landless bands and modern treaty implementation, which continue to require advocacy and are also the subject of mandates by way of resolution.

This work is being advanced according to distinct streams and in coordination with various bodies, including the Chiefs Committee on Claims and the Comprehensive Claims Policy Working Group.

Specific Claims

Our objectives relating to Specific Claims focus on re-establishing a meaningful dialogue with Canada on those elements of its Specific Claim Action Plan entitled “Justice at Last” that have not, as yet, been fulfilled. In addition, ongoing advocacy and coordination continues to take place with respect to the newly established Specific Claims Tribunal of Canada. Because the Tribunal only became fully
operational in June 2011, it may be some time before decisions are rendered by it. However, as the Tribunal begins to do so, so too will the landscape of Specific Claims in Canada begin to be altered. This may in turn, affect those efforts of First Nations with larger claims that do not have access to the Tribunal.

### THE FIRST NATIONS PLAN

**Immediate**
- AFN is hosting two think tanks – one in Vancouver on February 24 and one in Ottawa on March 15 to provide information and gather input for a 5-year review of Canada's Justice at Last Action Plan.
- This will provide an opportunity to review Canada’s performance with respect to all facets in the processing of Specific Claims, including Canada’s approach to the timelines, but also with respect to larger claims that do not have access to the Tribunal.

**Interim**
- The Specific Claims Tribunal of Canada will provide a significant focus for the AFN with respect to the resolution of Specific Claims in the medium and longer terms.
- As a stakeholder on the Tribunal’s advisory committee, AFN anticipates that it will continue to have a liaison role with respect to the Tribunal, to help ensure that the Tribunal’s process is a true alternative to the claims process that has often delayed or undermined the interest that First Nations have in reacquiring lands that are legitimately theirs.

**By 2017**
- Through ongoing advocacy and research, the AFN will seek to ensure that the policy and legislative environment for First Nations with Specific Claims is one that is both fair and transparent with respect to the resolution of their Specific Claims – this includes First Nations with claims over $150M that do not have access to the Tribunal.

**Additions to Reserve (ATR)**

The AFN is currently engaged in a joint process with Canada to review and reform Canada’s ATR process. A joint working group, comprised of First Nation experts and technicians from across Canada, along with representatives from Canada, has been working at a common table for over a year. This process continues to be the subject of regular reporting at AFN Assemblies.
2012 First Nations Plan: Honouring our Past, Affirming our Rights, Seizing our Future

THE FIRST NATIONS PLAN

Immediate

- AFN is completing a process of due diligence to ensure that all of the various interests and concerns relating to regional variation in the application of the ATR policy are captured and taken into account.
- This includes preparing a report based on 6 regional dialogue sessions that took place in 2011, and conducting 7 community-based case studies on ATR in the early part of 2012.
- The findings of this work will contribute to the full review of all policy, legislative and operational options with respect to improving the ATR process.

Interim

- Policy and legislative options for reform with be presented to Chiefs-in-Assembly in 2012.
- It is expected that Canada will adopt a new jointly developed policy on ATR, one that will be complemented by a legislative option that will be available to First Nations wishing to convert lands to reserve.
- As this policy/legislation becomes active, so too will improvements to the processing of ATR begin to be demonstrated.

By 2017

- The adoption of new policy / legislation will speed-up the processing / implementation of ATRs, ensuring that provincial and municipal governments do not have a veto over a First Nation seeking new reserve land and supporting economic development on reserve.

Comprehensive Claims

By any objective standard the current federal Comprehensive Claims Policy (CCP) is a complete and costly failure. It has resulted in endless negotiations and almost no agreements. This reflects its principal failure – its inability to achieve reconciliation between the pre-existing Aboriginal title of First Nations and the de facto sovereignty of the Crown. Reconciliation, according to the Supreme Court of Canada, is the underlying purpose of section 35 of the Constitution Act, 1982 – this is a rejection of the doctrines of discovery and terra nullius. The CCP is out of step with domestic Canadian law and international law, including the UN Declaration on the Rights of Indigenous Peoples and the Inter-American Declaration on the Rights and Duties of Man.

Meanwhile, as the endless negotiations continue, the poverty level keeps climbing as First Nations continue to be denied meaningful involvement in the development of their traditional territories.
Aboriginal title remains an outstanding issue in large parts of Canada, including the Atlantic, Ontario, Quebec and British Columbia. As a result, many First Nations in these regions have not received equitable benefit from the dispossesssion of their lands and resources, despite Canada’s prosperity. The poverty and underdevelopment which plagues our communities is a direct result of this imbalance. Economic and legal uncertainty arising from this situation also encumbers the wider Canadian economy and affects all citizens. These circumstances call for positive action and a departure from the status quo.

However, the federal policies and processes currently in place are out of date and not up to the task. The federal CCP originated at a time when Aboriginal rights were not recognized and affirmed in the Constitution; it was intended as a framework for the resolution of claims by way of extinguishment. Despite some changes in terminology, the policy is still based on extinguishment, and after almost 40 years, the CCP itself has become an impediment to resolving Aboriginal title claims. First Nations have been saying this for decades, but successive governments have refused to admit the truth. Cosmetic changes to process cannot mask the fundamental failure of the policy to meet its objectives.

Previous efforts at reform of the CCP focussed on regions, or included only those First Nations who were at the negotiating table. This is one of the reasons why meaningful policy change has not been achieved. Today First Nations stand united across all regions, including those at the negotiating table and those who have been waiting to address their Aboriginal rights and title. Together we say that now is the time for a positive and fundamental shift: one which brings Canada’s policy framework into the 21st century; one which ensures that it meets the standards set by the international community and by Canada’s own Constitution; and one which results in more expeditious settlements. This can be achieved through a commitment to timely reform, founded on one basic principle — that Aboriginal title and rights are best resolved by way of their recognition and reconciliation, not extinguishment.

The policy reform which is required to bring the CCP into the 21st century need not be long and drawn out. The initiative needs to be practical and results-based. With the requisite political will, the policy review and renewal process could be done expeditiously, at a table with senior representation and within a short time frame. The Assembly of First Nations has already tabled a proposal for CCP reform with Canada – one which could be refined to meet today’s needs. What is required is a political commitment to engage in meaningful and fundamental policy reform, and to do so in a timely manner.
THE FIRST NATIONS PLAN

Immediate

- Convene a senior table with 3 representatives each from AFN and Canada to oversee reform discussions (by February 29, 2012).
- Establish a joint working group to set-out issues for a proposed joint framework for CCP reform (by March 31, 2012).
- Based on confirmation of a joint framework, develop recommendations for CCP reform for presentation to the senior table (by June 2012).
- Confirmation of reform proposal by AFN and Canada (by July 2012).

Interim

- Development and implementation of the respective reform proposals and adoption by the Chiefs-in-Assembly and Canada.

By 2017

- The commencement and eventual negotiation / resolution of comprehensive claims across all regions of the country.
First Nations people are the most marginalized and dispossessed people in Canada, and are subject to persistent individual, institutional and legislative discrimination. Statistics Canada found that 35 percent of Indigenous peoples had been the victim of at least one crime in a one year period as compared to 26 percent of non-Indigenous people. Indigenous peoples were also likely to be victimized more often and experienced violent crime at a rate three times greater than national averages.

First Nation peoples have engaged in a number of strategies to deal with the dispossesson of their traditional lands and resources. These have included confrontation, mobilization, negotiation, legislation and litigation. In every case, Canadian courts have played a crucial role in upholding the dispossesson of Indigenous lands, and the courts and justice system have produced mixed results on Aboriginal rights, Treaty rights and taxation matters. Justification tests and other judicial constructs have placed significant limits on the exercise of Aboriginal and Treaty rights, and there has been limited implementation of favourable decisions by the Crown. Given these real constraints, arguing Aboriginal or treaty rights in the courts is very risky proposition for First Nation people, as it removes all control over the rights of their future generations and places it largely in the hands of non-native judges. In this context, there is no justice for First Nations people, as the judiciary upholds Canadian law to the exclusion of Indigenous systems of law and legal thought. This underscores the need for the full support and creation of First Nation legal and judicial institutions that fully reflect and incorporate indigenous legal traditions.

First Nation peoples are the only group in Canada that do not enjoy the full application of human rights law. As a result of a recent Canadian Human Rights Tribunal decision \textit{(First Nations Child and Family Caring Society of Canada v. Canada (Minister of Indian Affairs and Northern Development)),} First Nation individuals are unable to file complaints against the federal government for alleged discrimination in the provision of a service.

In addition to the fact that First Nation peoples face a lack of justice as a collective, First Nation individuals also face personal injustices at the hands of the criminal justice system. First Nation individuals have a far greater probability of being charged and a greater likelihood of appearing in court, facing jail time and being detained for longer than non-Indigenous offenders.

The circumstances of First Nation offenders remain different from those of most Canadians, as a consequence of ongoing, intergenerational impacts of the residential school system, the Sixties Scoop and damage to identity, culture and language, and current socio-economic conditions. In \textit{R. v. Gladue,} the Supreme Court of Canada instructed sentencing judges to consider other systemic issues faced by Indigenous offenders, including social and economic conditions and the legacy of dispossesson and
colonization faced by Indigenous peoples. The Supreme Court also established that Indigenous offenders should, in certain cases, be treated differently from other offenders. Section 718.2(e) directs sentencing judges to undertake the process of sentencing aboriginal offenders differently, in order to endeavour to achieve a truly fit and proper sentence in the particular case. In recent developments, federal amendments to the Criminal Code (Bill C-10) currently under review by the Senate and the requirement of mandatory minimums would remove the ability of conditional sentencing and negate the application of Section 718.2(e) and further discriminate against First Nation peoples.

First Nations people are in some ways are under-policed in terms of situations where the police choose not to act even where there is evidence that crimes have been committed against First Nation people. Some of these instances have been investigated as part of British Columbia’s Missing Women Commission of Inquiry.

In addition, First Nation communities do not have comparable levels of policing to other communities. First Nation Policing services continue to lack status as essential services, with funding allocated on a discretionary basis and, as such, at risk of reduction in the face of other federal priorities. This puts our communities and citizens at continued risk.

**Missing and Murdered Indigenous Women**

It is estimated that over 582 Indigenous women are currently missing across Canada. Canadian police and public officials have long been aware of a pattern of racist violence against Indigenous women and have done little to prevent it. While attitudes towards missing Indigenous women are changing, the number of missing women continues to increase. First Nations have called for concerned legislation or regulations to compel law enforcement officials to properly investigate crimes against First Nation peoples.

In 2008, the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) gave a 2008 directive to Canada to “examine the reasons for the failure to investigate cases of missing or murdered Aboriginal women and to take the necessary steps to remedy the deficiencies in the system [and] carry out an analysis of those cases in order to determine whether there is a racialized pattern to the disappearances and take measures to address the problem if that is the case.”
There has not been action on this recommendation and Canada continues to ignore the broader factors that place Indigenous women and girls at greater risk of violence. There has been a chronic lack of adequate and sustainable resources to provide long term solutions for community based initiatives to create safer and healthier First Nation communities. The escalation of violence against Indigenous women and girls continues and this is clear evidence of the failure of the criminal justice system to adequately respond to this national tragedy.

**Justice for survivors of Indian Residential Schools and Day Schools**

Former students of Indian Residential Schools (IRS) continue to seek justice. While a historic agreement was reached in 2005 – the Indian Residential School Settlement Agreement (IRSSA) – followed by the apology by the Prime Minister in 2008, many students feel that the core principles of healing and reconciliation are not being met.

Key issues include students whose schools were not included in the IRSSA, as well as students who were not compensated for all of their time at school due to missing, lost or destroyed records. Also of concern are day scholars (who attended residential schools, but went home at night) and day students (who went to non-residential schools) who faced similar abuses and loss of culture as IRS students, but are ineligible for compensation or healing supports.

Currently, a court-ordered investigation is underway for alleged violations of the IRSSA and violations of the Financial Administration Act by a law firm, impacting hundreds of former IRS students.

The AFN is engaged and supportive of the work of the Truth & Reconciliation Commission (TRC). However, due to the turnover and change of Commissioners, the TRC was delayed in beginning its work and has incurred additional expenses not anticipated in the IRSSA. This now calls into question whether the TRC can fulfil its mandate.

The closure of the Aboriginal Healing Foundation (AHF) has created gaps in healing services for former IRS students. Health Canada is providing health supports as part of the TRC process, but unlike AHF programming, these are not community-based and ongoing.
THE FIRST NATIONS PLAN

Immediate

• Through a National Justice Forum, develop a First Nation Justice Strategy that encompasses policing, corrections and community supports.
• Develop and implement support for community action plans for improved safety and security for Aboriginal women and provide ongoing support to the families of the murdered and missing Aboriginal women.
• Call for the creation of a Royal Commission on Murdered and Missing Indigenous Women and Girls to conduct specific inquiry on the cases of murdered and missing indigenous women and girls and make concrete and specific recommendations to end and address violence against Indigenous girls and women.
• Enhancement to community justice programming – including sentencing and diversion programs where offenders can be removed from the criminal justice system and be dealt with at the local level.
• Federal government review of the impact of Bill C-10 on First Nations peoples and focus on established sentencing principles from the Supreme Court of Canada.
• Stabilization of funding of First Nation Police services and immediate classification of First Nation Police Services as essential services.
• Recognition of Day Scholars and Day Students and commitment to compensation equal to that of the Indian Residential Schools Settlement Agreement.
• Commitment to ongoing community-level healing programs and supports to address the ongoing inter-generational impacts of Indian Residential Schools.

Interim

• A joint comprehensive review of the justice system by First Nations and the government of Canada.
• The development of a First Nation justice system that incorporates First Nation justice traditions, philosophies, and culture and jurisdiction over offences that take place in First Nation communities.
• Development of First Nation justice institutions, courts and dispute resolution.
By 2017

- Beginning of a new national justice system adapted to the model of a pluricultural State, which includes (a) ordinary justice; (b) indigenous law as a system of norms, procedures; (c) local authorities for the social regulation and resolution of conflicts within Indigenous communities; and, (d) alternative conflict resolution mechanisms.

- Full recognition of the Constitutional right of First Nations to exercise their own justice in their territories and to apply their own norms and procedures through their own authorities, their only limitation being the respect for “fundamental minimums” as set out by the Crown.
SUPPORTING FIRST NATION GOVERNMENTS

AFN will support First Nations, as the rightful holders of title, rights and as signatories to Treaties, to engage with governments and serve their citizens wherever they may reside, based on the full recognition of the autonomy, diversity and interdependence of First Nations.

AFN will advocate for full recognition of First Nations’ jurisdiction and sustainable transfer agreements based on real costs across all policy areas such as education, health prevention and treatment, children and families, justice and others that support and build our government and service capacity.

AFN will support First Nation governments to advance core interests and responsibilities such as citizenship and leadership selection. It is our time to re-build our nations by unifying our voice and taking the necessary steps toward the full and final displacement of the Indian Act.

AFN Strategic Plan, 2009
RECOGNITION AND SUPPORT OF FIRST NATION GOVERNMENTS

Historically, First Nations were organized on the basis of Indigenous Nations with distinct structures of government. These structures included hereditary systems, clan systems, federations, confederacies and systems of military, economic and cultural relationships and alliances among Nations. The current structure of reserves and the governance on-reserves that resulted from the imposition of the Indian Act do not reflect First Nation political, legal or governance traditions. There is a general consensus among First Nations that this must change.

Our Nations know that we need to focus on rebuilding our governing structures and are leading these efforts all across the country. Positive change within our Nations will require the full engagement of our peoples. In this way, First Nations can determine the tools each needs to move forward based on the fulfilment of our rights to self-determination and affirming effective, efficient and successful First Nation governments.

The AFN as the national political representative of First Nation governments has consistently advocated on behalf of First Nations for the recognition and re-establishment of appropriate First Nation governments. First Nations across the country – through their own efforts – are now affirming their own future. First Nations stand together on the need to advance a new reality and to reset the relationship with Canada – even though they may have different ideas on how they wish to give fulfilment to this relationship.

This direction is a reflection and culmination of what Chiefs and First Nation citizens have been consistently expressing to the AFN, through resolutions and various meetings and forums. These directions have also been supported and confirmed through extensive research, studies and task forces, including through processes such as the:

- 1983 Report of the Special Joint Committee on Indian Self-Government (Penner Report);
- 1996 Final Report of the Royal Commission on Aboriginal Peoples (RCAP); and
- the AFN Joint Committee of Chiefs and Advisors on the Recognition and Implementation of First Nation Governments (RIFNG).

In the past two years, the AFN has directly engaged with and invited representations from a wide range of First Nation leaders who are driving change within their Nations through a series of special Planning & Dialogue Forums (“Forums”). These Forums have been organized independent of Government funding, enabling the approach and content to be exclusively driven by First Nations.
Implementing and strengthening First Nation governments requires special focus on their core capacity and institution building to support law making and continued accountability, and their ability to move forward on strategic and comprehensive community planning.

Specific areas requiring concerted efforts include:

**First Nation Citizenship**

First Nation governments have never ceded authority to determine who is - and is not - a citizen of their Nation. Article 9 and Article 33 of the UNDRIP reinforce this right of all Indigenous peoples yet Canada has systemically undermined this authority and in the process, disenfranchised individuals and created family and community divisions.

Chiefs-in-Assembly have consistently asserted their jurisdiction and intention to provide for all of their citizens, regardless of Indian Act imposed definitions and divisions. Over the past year, AFN has facilitated an inclusive National Dialogue on First Nation citizenship, sharing information and soliciting input.

Through the National Dialogue, First Nation leaders and citizens overwhelmingly expressed the desire to reassume control and decision-making over Citizenship, with the necessary capacity and institutions for law-making and administration. Time and again the dialogue identified the need to move beyond the Indian Act as a tool to define and control First Nation identity.

**Elections and Leadership Selection**

Current provisions for 2-year elections under the Indian Act do not respect traditional decision-making structures, nor provide adequate time for capacity building and strategic and long-term planning. Nations that have implementing “custom” processes remain at risk of being ordered to comply with the Indian Act upon the Minster’s prerogative based on powers outlined s. 74.

**Institutions for Public Administration & Dispute Resolution**

Strong functioning First Nation governments will rely on a cadre of professional public servants, to carry out political direction in fair and accountable processes. As Article 34 of the UNDRIP affirms: Indigenous peoples have the right to promote, develop and maintain their institutional structures and their
distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

THE FIRST NATIONS PLAN

Immediate

• Concerted and ongoing support for capacity of First Nation governments to engage in comprehensive community planning, so that all Nations can move forward on their own priorities as identified by their citizens, at the rate and pace of their own choosing.
• First Nations and Canada begin joint work to explore and develop options for the recognition of First Nation Governments and their inherent jurisdiction.
• Dedicated training and mentoring to strengthen and enhance the First Nations Public Service.

Interim

• First Nation-created and mandated Regional/Treaty or Nation-based institutions to support and directly serve First Nation governments in the development and administration of constitutions, laws, administration of elections and dispute resolution.
• Examination and restoration of First Nation elective systems – including adequate provisions for appeals and dispute resolution – revoking ss. 74 - 80 of the Indian Act and removing any powers of the Minister of Aboriginal Affairs over elections.

By 2017

• Enactment of a mechanism for full and clear recognition of First Nation jurisdiction with accompanying transitional supports for all governments to assume jurisdiction according to their priorities and timelines.
ACCOUNTABILITY

First Nation governments across Canada are making progress in improving the quality of life for all our citizens by rebuilding our nations, assuming responsibility and advancing recognition of our inherent Aboriginal and Treaty rights. An important step forward requires confirming a genuine accountability relationship between the Government of Canada, First Nation governments and the citizens they represent.

In 2005, AFN engaged in a joint “Accountability for Results” process with Canada to jointly explore new approaches to accountability to lead to better results for First Nations. Unfortunately, this effort ended in 2006.

Chiefs-in-Assembly unanimously passed a resolution in December 2010, reaffirming their commitment to maintaining transparent and accountable decision-making structures in First Nation communities. This “lead by example” approach includes a commitment to providing clear and timely access to audits and public accounts, itemizing and publicly disclosing salaries, honoraria and expenses to First Nation citizens.

First Nation governments’ reporting continues to greatly exceeds that of comparable institutions. First Nations provide a minimum of 168 different financial reports to the four major funding departments (INAC, Health Canada, HRSDC and CMHC). The Department of Aboriginal Affairs and Northern Development alone receives over 60,000 reports from First Nations annually.

Additionally, the federal focus remains on compliance reporting rather than performance reporting – which leaves First Nation citizens and Canadians in general no better informed regarding effectiveness of programming.

A critical example of the broken relationship with regards to funding is the application of Aboriginal Affairs and Northern Development’s Default Management Prevention policy (formerly known as the “Intervention Policy”), in particular the provisions for third party management (TPM).

First Nations have had myriad and long-standing criticisms with the application of TPM, and its failure to address fundamental Band capacity and resource issues. Being under third-party management is highly punitive and the Third Party Manager is given complete control over decision making for allocations, and in many cases will not confer with the Chief, council or community members. Funding for the community is used to support fees and salary for the third party manager.
In addition, the ability of a First Nation to engage in community development or take proactive measures to get out of third party management is greatly conscribed, as most financial institutions will not consider arrangements for capital projects with First Nations in third-party management.

Many of these issues have been raised by the Auditor General (AG) of Canada and internal evaluations. The AG reported on problems with third party management in December 2002, November 2003 and May 2006. The AG noted that the department’s own inability to apply and monitor the policy appropriately, and specifically recommended that the policy for third party management ensure that there was:

- provision for First Nations input,
- Chief and Council capacity building and,
- dispute resolution.

In addition, information and accountability from the federal government to First Nations is severely lacking, and there are few to no mechanisms for a First Nation to hold Canada to account for its fulfilment of treaty or fiduciary obligations.

**THE FIRST NATIONS PLAN**

**Immediate**
- Re-instate a joint process with First Nations to examine accountability practices, founded on the following principles:
  - affirm accountability and responsibility from First Nation governments to their citizens;
  - ensure accountability from the Federal Government for delivery of services and equitable funding in accordance with the fiduciary responsibility of the Crown
  - amend reporting requirements to provide relevant information about outcomes to communities, while reducing the burden on them;
  - integrate programs and streamline processes to remove overlap and accelerate decision-making.
- Strike a task force to examine the effectiveness and recommend improvements to Aboriginal and Affairs and Northern Development Canada’s financial management processes, in particular the Default Prevention Policy and third party management.

**By 2017**
- Appointment of an independent Officer of Parliament to act as a First Nations Ombudsperson/Advocate and monitor and report on the reciprocal accountability relationship.
A NEW FISCAL RELATIONSHIP

When First Nations signed the Treaties with the Crown, they agreed to share the land with the newcomers; a sharing defined from the perspective of respect between peoples who would live on the land and respect for the land itself. Obligations were entered into on both sides. First Nations expected and believed that both parties were agreeing to share the wealth of the land; that everyone would benefit from the fruits of our collective labours.

This is not the situation today. Study after study has demonstrated that the harvest has not been shared equally or equitably. First Nation citizens are faring far worse than other Canadians on virtually every indicator of wellbeing. First Nations are impoverished in their own land. The Crown has failed to honour its responsibilities under the Treaties. If there is to be reconciliation between the rights and interests of First Nations and the sovereignty of the Crown, then Canada must renew its relationship with First Nations. It must create a relationship built on the principle of respect for other people and for the land, the principle of sharing, and the principle of community responsibility, to ensure we all succeed together for now and seven generations hence.

First Nations have been stymied in their capacity to pursue self-determination and self-government as a result of the unjust distribution of the wealth of this nation; it is time for redress based on fundamental and commonly held principles. Such principles that will ground a new fiscal relationship may include:

- **Equity.** Funding commitments to First Nation governments that are at least equal to that provided to provincial and territorial governments.
- **Fairness and Security.** Ensuring that basic services enjoyed by all Canadians are not jeopardized and a standard of care guaranteed
- **Stability.** Long-term, legislated funding transfers that have automatic escalators.
- **Predictability.** The ability to engage in financial planning with confidence regarding future revenues and expenditure obligations.
- **Accountability.** Delivering transparency, effective and appropriate reporting to First Nation citizens, from First Nation governments and to the Government of Canada
- **Authority/Autonomy.** Greater authority to set priorities and determine how the fiscal priorities of First Nation communities are determined.
- **Flexibility.** Fiscal transfers that are flexible enough to enable effective decision making power for First Nation governments.
- **Access to capital.** Increasing First Nations’ economic growth will require improved access to capital so that First Nations can build the necessary physical infrastructure and attract business investment.
Transfers to First Nations are currently made through 34 government departments, most of which are in the form of grants and contributions. The 2006 Report of the Independent Blue Ribbon Panel on Grants and Contribution Programs recommended that “payments to First Nations governments ought to be more like intergovernmental transfers than typical grants and contributions... for the funding of essential services such as health, education and social assistance in reserve communities are needed.”

Furthermore, the Auditor General’s 2011 Status Report concluded that the “lack of an appropriate funding mechanism” is one of four key structural impediments hindering progress in First Nations communities. The report states that the use of contribution agreements to fund core government services (such as health care or education) leads to poor stability, onerous reporting, and inhibits accountability to First Nation citizens. A second structural impediment is the lack of a legislative base to fund First Nations core services and programs similar to other jurisdictions.

A new relationship with different funding mechanisms is, therefore, required. An examination of international and Canadian mechanisms for fiscal transfers reveals that the best option for a new fiscal mechanism is right here in Canada. The Territorial Formula Financing (TFF) model employed in Canada provides a high level of autonomy, predictability and efficiency and may be the most relevant to First Nations Governments. The TFF is an annual unconditional transfer that enables the three territories to provide northern residents a range of public services comparable to those offered by provincial governments. The TFF recognizes the high cost of providing public services to a large number of small, isolated communities.

As noted above, any new fiscal mechanism needs a legislative basis to support sustainable fiscal transfers. There is little likelihood that an appropriate fiscal relationship could be developed through amendments under the Indian Act. Any new legislation addressing this issue would clearly need to be negotiated between First Nations and the Government of Canada.

Although a new fiscal mechanism and supportive legislative base would improve the stability, predictability and equity of funding to First Nations—they would not necessarily address funding adequacy. In order to address the question of adequacy, as well as objectivity, adopting a third party for setting transfer levels, as done in India, Australia and South Africa might be useful.

Ensuring incentives for sound financial management and strong accountability for meeting objectives may be the features least present in the current federal-provincial-territorial fiscal relationship. However, the Auditor General has provided strong work in this area as it pertains to First Nations. This work, further supported by the AFN in its 2006 position paper on Accountability for Results, speak to clear roles and responsibilities, performance expectations, capacity and feedback mechanisms.
THE FIRST NATIONS PLAN

**Immediate**

- Develop a set of core principles to guide joint discussions between First Nations and the Government of Canada that ensure any new fiscal relationship is grounded in equity, fairness and security, stability, predictability, accountability, autonomy, flexibility and access to capital.
- First Nations and the Government of Canada jointly work to develop new funding mechanisms for First Nation Governments, such as the existing Territorial Formula Financing model, that provide a high level of autonomy, predictability and efficiency.
- First Nations and the Government of Canada jointly work to develop and design an appropriate legislative basis that will support sustainable fiscal transfers between First Nations and the Government of Canada.
- Explore options for adopting an independent, third party institution that ensures funding adequacy and identifies the necessary mutual accountability provisions.

**By 2017**

- It is expected that a new fiscal relationship between First Nations and the Crown be in place that:
  - Is based on a set of core principles;
  - Includes a new fiscal mechanism similar to that of the Territorial Formula Financing (TFF);
  - Is entrenched in legislation;
  - Incorporates an independent, third party institution that sets funding levels; and
  - Defines mutual accountability provisions.
ADVANCING ECONOMIC AND ENVIRONMENTAL INTERESTS

AFN will support First Nations in pursuing a vision of sustainable economic self-sufficiency achieved by ensuring investments in stable community infrastructure and effective business partnerships.

By being active participants in economic development, we can better ensure First Nation economies thrive, creating wealth and jobs and supporting our people to have an active role in shaping the national economy.

It is our time to take a leadership role as indigenous peoples to balance development opportunities and conservation of the earth through environmental protection and green development.

AFN Strategic Plan, 2009
ECONOMIC PARTNERSHIPS

First Nations are pursuing a vision of sustainable economic and trade self-sufficiency achieved by ensuring investments in stable community infrastructure, opportunities for resource revenue options, human resources, and effective economic partnerships. By being active participants in economic development, we can better ensure First Nation economies thrive, creating wealth and jobs and supporting our people to have an active role in shaping the national economy. First Nations are taking a leadership role as Indigenous peoples to balance development opportunities and conservation of the earth through environmental protection and green development.

First Nations continue to assert and exercise their rights and responsibilities to natural resources within their lands. First Nations in Canada support economic development that respects First Nation rights and is environmentally responsible. Based on the principles and relationships set out in the Treaties and the United Nations Declaration on the Rights of Indigenous Peoples, First Nations must be full partners in designing a way forward with industry.

In order to ensure self-sufficiency and the sustainable development of First Nation economies, First Nations are seeking a fair share of the wealth generated from their lands through resource revenue sharing. These arrangements, however, must reflect First Nations’ inherent rights and Treaty relationships, as well as the principles outlined in the UNDRIP, such as free, prior and informed consent. Developing positive First Nation-private sector diversity and partnerships is seen as a key to unlocking new streams of revenue for sustainability in the future.

To support First Nations in pursuing economic and trade development opportunities, the AFN and BC First Nations, with cooperation from the Embassy for the Peoples Republic of China, coordinated a First Nation Trade Mission to China in October 2011. The trade mission, with objectives of information, education, and cultural exchanges and economic development, helped strengthen relationships and explore partnership opportunities with the Chinese government and industry. Other recent activities in the area of Economic Partnerships, as mandated by the Chiefs-in-Assembly have included the following:

- International Indigenous Summit on Energy and Mining attended by over 800 delegates in June 2011
- Ad-hoc working group on First Nation Taxation
• Discussions on a Joint Task Force on Economic Development, a joint AAND-AFN initiative with the aim to “improve the long term prosperity of First Nation people and all Canadians”
• Research on trade cooperation
• Aboriginal Skills and Training Strategic Investment Fund (ASTSIF) projects
• Connectivity and First Nations e-community strategy
• Developing the concept for a virtual resource centre on energy and mining
• Developing a discussion paper on participation in the energy economy

THE FIRST NATIONS PLAN

Immediate
• Affirmation of the principle of free, prior and informed consent.
• Increased funding for First Nation-specific economic programs that foster partnering, investments, procurement, and employment opportunities.
• Secure commitment to respect First Nations rights to tax exemption.
• Creation of a joint Task Force on Activation of First Nation Economies.
• Scoping out methods to increase trade supports to secure opportunity and identify the trade programs, services and incentives needed to facilitate First Nation businesses.
• Development and implementation of a First Nation e-Community Strategy.
• Development of a new policy on Resource Revenue Sharing.
• Environmental scan for virtual resource centre on energy and mining.
• Development of national strategy to support revenue generation, such as in taxation.

Interim
• Creation of a First Nations Economic Strategy, that builds on existing First Nation-developed frameworks, to support community’s efforts towards nation building, economic infrastructure, training and skills development, connectivity, resource development and sharing responsive to local and regional development priorities.
• Deepening of international relationships to foster trade and business opportunities abroad.
• Establishment of a virtual resource centre on energy and mining.
• Implementation of a First Nations Human Resources Strategy.
• Creation of First Nation-specific trade supports.
• Implementation of a First Nation e-Community Strategy.
By 2017

- Implementation of a comprehensive set of measures to eliminate the economic gap between First Nation citizens on and off reserve and non-Indigenous Canadians.
- Respect for First Nation priorities regarding the use of and access to their territories and binding arrangements that protect the rights of First Nations to balance economic and environmental interests.
- Incentives for increased partnering, investments, procurement and employment opportunities.
- Consolidation of economic infrastructures and systems, with increased capacity-building where gaps currently exist.
- Implementation of a framework that respects Indigenous and Treaty rights and enables First Nation governments to effectively support their economies.
ENVIRONMENT

First Nation peoples of Canada have a special relationship with the environment and all things within it. The land is considered sacred to First Nation peoples and the environment not only plays a key role in the health of First Nation communities, but impacts our access to key resources.

As the demand for natural resources increases, the challenges of maintaining a clean environment become greater. Contaminated waters, failure to recognize our traditional knowledge and the impacts of global climate change affect our traditional lifestyles and threaten the survival and the revitalization efforts of First Nations.

From the Royal Commission on Aboriginal Peoples to the Kelowna Accord, many governments have pledged action to recognize First Nation jurisdiction and to protect First Nation environments. First Nations do not require more promises, but concrete action.

Despite these efforts to build more respectful relationships, set targets and develop plans of action, First Nation environments continue to fall into a regulatory gap. As the Auditor General observed in 2009, the paucity of few federal regulations that apply to environmental protection on reserves results in significantly less protection from environmental threats than other communities. Previous Auditor General Sheila Fraser’s final speech highlighted the need for concerted federal action on both First Nations issues and climate change.

Contaminated source waters impact the safety of First Nation drinking water supplies. This often results in public health crises and requires costly infrastructure to manage. At this time major investments are required at the community-level to address basic water infrastructure needs, both in terms of capital improvements and in terms of human resources. Everyone recognizes greater involvement of First Nations and protection for the safety of source waters will reduce the need for ever increasing expenditures on safe drinking water infrastructure, yet source water protection remains a low priority for governments.

First Nations traditional knowledge requires greater recognition because it is the foundation for First Nation law making. Recognition of the valuable contributions of traditional knowledge, particularly as it relates to environmental protection and resource management, occurs only in isolated and limited circumstances. Increased recognition and respect for traditional knowledge will result in increased

Article 29 (1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

UNDRIP
language retention, increased respect for First Nations culture and increased capabilities for First Nations to assume jurisdiction and responsibility for protection of First Nation environments.

Due to their close relationship with the environment, First Nations are the first to be impacted by climate change. Many First Nations are already adapting to these impacts and require substantial support in order to protect their environments and cultures.

Today, resource extraction is taking place at an increasing rate in our traditional territories. The full and effective participation of First Nations is required to ensure these developments are responsible and sustainable. Project approvals are often issued to proponents without respect for the free, prior and informed consent of First Nations and without consideration for the particular relationship that First Nations have with the environment.

First Nations have come to a crossroads owing to the drastic changes in the environment over the last 40 years. The loss of biological diversity has eroded their material base for survival and the degradation of their traditional culture has undermined their values and social structures. This is despite initiatives to conserve and promote biodiversity and protect the global environment, which are embodied in international accords such as the Convention on Biological Diversity and UN Framework Convention on Climate Change.

THE FIRST NATIONS PLAN

First Nations have been calling for environmental reforms and greater protections since contact with Europeans. Today, First Nations use both political and legal means to enforce their right to the land and First Nations permanent sovereignty over natural resources, including environmental protection and environmental health.

Immediate

• A concerted First Nations/federal effort is required to ensure adequate resources at the community level to address high risk water systems, with particular emphasis on infrastructure and human resources.

• The federal government should direct resources and First Nations should be invited to drive a regulatory review and gap analysis focused on how traditional knowledge is currently applied, or could be applied through the recognition of First Nation laws, to protect First Nation environments.

• First Nations should be able to access funds to address impacts and vulnerabilities of climate change, and Canada’s climate change strategy should be immediately realigned to include a greater focus on First Nations both in terms of vulnerability and adaptation.
The federal government should develop and announce a comprehensive plan which provides resources for First Nations to protect their environments themselves, particularly with respect to management of contaminated sites and protection of source waters.

First Nations and the Crown should embark on a joint process to develop a consultation framework for environmental assessments, to be included in the Canadian Environmental Assessment Act (CEAA). The CEAA must not be amended without the full and effective participation of First Nations.

The Aboriginal Capacity Development Envelope, which provides resources for First Nations to engage in environmental assessments, should be renewed and substantially expanded. In addition, the CEAA should be amended to ensure First Nation participation at all stages of the environmental assessment process.

The federal Crown should initiate a dialogue with First Nations on market-based approaches to conservation and environmental protection. The dialogue should focus on the potential benefits of such approaches, from perspectives of economic development and environmental protection, as well as ensuring that market based approaches do not infringe on aboriginal or Treaty rights.

Interim

- Implementation of a Canada-wide plan for the protection of First Nation source waters, with the full and effective participation of First Nations.
- Identification and application of First Nation traditional knowledge will gain more recognition and importance as an increasing number of federal environmental acts, regulations and policies require engagement of traditional knowledge alongside and equal to western scientific knowledge.
- Building on work completed with respect to traditional knowledge and First Nations laws, an overhaul of federal environmental regulation will commence, with the full and effective participation of First Nations, to recognize the jurisdiction of First Nations over environmental protection.
- Environmental information, for example on contaminated sites on or near First Nation territories, either through the National Pollutant Release Inventory or through other resources, is easily accessible to First Nation Chiefs, environmental technicians and citizens.
- First Nations must be treated as equal partners when it comes to the drafting of federal environmental laws and regulations, establishment of monitoring programs and implementation intervention strategies that impact traditional territories. First Nation governments will participate at the Canadian Council of Ministers on the Environment as a ‘jurisdiction’, equal in standing to Canada’s other jurisdictions (i.e. provincial, territorial and federal governments)
- The federal government will provide incentives for pilot projects on ‘payments for ecosystem services’ and other market-based approaches to environmental protection and conservation which will support involvement of First Nations businesses in environmental issues.
Cumulative effects of extractive activities, for example ‘fracking’, must be comprehensively studied to ensure extractives development is responsible, sustainable, and does not adversely impact First Nations rights. A precautionary approach, meaning a moratorium, should be applied to ensure new forms of development are not permitted or approved until they have been comprehensively studied for cumulative effects, with the full and effective participation of First Nations.

By 2017

- First Nation jurisdiction and authorities over environmental matters in traditional territories, particularly water, is appropriately exercised and enforced in conjunction with provinces. First Nations will be in a true nation to nation relationship with Canada and will work through that relationship with provinces on developing, implementing and enforcing First Nation jurisdiction.
- First Nation inherent jurisdiction over environmental matters affecting reserves is enforced. First Nations are capable of exercising environmental jurisdiction directly, without vetoes from the federal government.
- First Nations will be fully engaged, in a nation to nation relationship, with Canada on all global and transboundary issues, such as boundary water management or international climate change.
- Traditional knowledge will be respected as a knowledge system equally robust and valuable as western scientific knowledge systems, and working in tandem for the benefit of all Canadians. Traditional knowledge, with western science, will form the basis for resource management decisions in First Nations territories and beyond.
- First Nations are engaged in ‘ecosystems services’ projects on a broad scale, making economies in many remote reserves viable, and providing diversification for other First Nations who are also engaged in extractive developments.
- A vehicle is developed and operational for negotiations on compensation for loss of resources or displacement due to conservation efforts, development initiatives or contaminant issues on traditional territories or reserve lands.
**NATURAL RESOURCES**

Natural resources are the foundation of Canada’s economy, growth and prosperity. Since the arrival of the settlers to the present day, energy, forestry, fisheries, agriculture, precious metals, and other natural resources have been the dominant force driving Canada’s economy. The Treaties signed between First Nations and the Crown form a relationship based on sharing the land and the natural resources within. Continued prosperity from natural resource use is dependent upon strong and respectful working relationships between the Crown, First Nations and the private sector. Shared access and benefit from natural resources is the foundation for future economic growth.

As sovereign nations and caretakers of Mother Earth for centuries, First Nations have a special direct relationship with the land. This unique relationship between First Nation peoples and the land is a core part of First Nation identity, spirituality, culture and history and is essential in understanding the broader extent and importance of natural resource issues to First Nations. Cultural and spiritual aspects of this relationship are deeply embedded within First Nation languages, which continues to illustrate the clear historical connection between First Nation peoples, places and the harvesting and stewardship practices within their traditional territories. The relationship between First Nations and land forms the basis of Aboriginal traditional knowledge, which is often drawn upon to inform the sustainable and responsible management of natural resources. Traditionally, First Nations take a holistic view of the world, one that recognizes and celebrates the interconnectedness of all things. Balance and harmony are critical elements to be fostered and respected in the relationship with the collective elements of the land and natural resources.

In Canada, the federal and provincial governments are negotiating agreements with First Nations in various natural resource sectors that include multiple jurisdictions and fall under various provincial and federal legislations, policies and regulations. In negotiating natural resource development, First Nations are placed in difficult positions where projects must be balanced with considerations about the environment, treaty and aboriginal rights, and multi-generational impacts on culture, society, and health. Outdated pieces of legislation, unenforced treaty and unimplemented Supreme Court decisions further complicate negotiation processes that have led to protracted disagreements between First Nations project proponents and the Government. The end result is often acrimonious and divisive instead of unifying and mutually beneficial.

Historically, Treaty making between First Nations and the Crown involved the exchange of promises, including promises that First Nations would be able to exercise their rights, jurisdiction and governance over the lands and waters. First Nations have never given up any rights to their traditional resources. However, First Nations continue to be under-represented in all resource sectors. First Nations have limited participation in the forest products industry, mining, fisheries, large scale energy and land use
planning. Part of the struggle that has plagued progress can be attributed to the delays in settling of First Nation land claim agreements, and implementation of Supreme Court Decisions. In the meantime, large tracks of land have been granted to mining companies, forestry firms, and energy companies. However, the fact that forestry, mining, fishing, and energy are also economically and culturally significant to First Nations is often overlooked.

Mining provides a larger gross domestic product in the amount of $23 billion to Canada’s GDP. Forestry and logging, including pulp and paper manufacturing provides $23.2 billion, and oil and gas is approximately $65 billion. The most valuable mining resources are coal, petroleum, and natural gas. First Nations also depend on the mining of these resources for jobs and economic development in their communities. Often, there is a requirement to consult First Nations in the extraction of these resources. Fast track processes like the Major Project Management office must make concerted efforts to inform First Nations of potential projects that may impact their rights, and conduct adequate, transparent and timely consultation processes.

The Indian Act grants the majority of governmental power over lands and resources to the Minister of Aboriginal Affairs and Northern Development, the Governor in Council and other government officers and permits only a supervised residual role to First Nations. First Nations, have only very limited authority to make decisions regarding the use of some natural resource activities on reserve. Under the current Indian Act, First Nations may make regulations in relation to animals or fish on reserve. In all other situations, authority rests with the Minister or other department officials.

The Constitution Act 1867, s. 91(24) places “Indians and Lands reserved for Indians” in the exclusive power of the Federal Government, while it places off-reserve natural resources under the exclusive power of provincial governments. This jurisdictional split has never adequately accounted for First Nation rights, jurisdiction and interests or the obligations owed pursuant to Aboriginal and Treaty rights.

The challenges and the solutions are certainly complex and will require many levels of engagement. In addressing the issues related to natural resources, the Government of Canada must remember its international commitments under the United Nations Declaration on the Rights of Indigenous Peoples and the Convention on Biological Diversity. First Nations must play a central role in ultimately addressing the larger issues of the relationship between First Nations and Canada.
First Nations seek to take a leadership role in natural resource sectors in order to support their rights, title, ownership and governance over their traditional lands, and engage in meaningful decision making. Shared management of resources and the equitable sharing of economic opportunities and benefits associated with all natural resources will lead to prosperous, self-sufficient communities.

**Immediate**

The top priorities identified by First Nations communities with regards to natural resources are:

- Build capacity of First Nations’ communities to access the economic potential from sector development, technology, skilled human resources and transfer of intergenerational knowledge and practices.
- Improved access to technological resources, information, funding, land tenure, and employment.
- Revamp the education system to meet the needs and priorities of First Nation communities, now and for the future.
- Acquire knowledge of and apply both traditional ecological knowledge and science.
- Inform and involve in front end planning and engagement processes related to development of resource sector initiatives and major project development.
- Involve and inform First Nations of legislative reforms, policy development, negotiations on the use and protection and regulatory approvals and review processes at federal and provincial levels.
- By completing strategic reviews of forest-based business opportunities and business models. These reviews will consider elders’ concerns, youth involvement, traditional uses, community values and aspirations, and business factors.
- Build First Nation capacity and encourage Aboriginal employment in natural resource operations and other businesses ventures, through developing and implementing strategies to promote First Nation training, employment opportunities and higher education.

**Interim**

- The Assembly of First Nations has been directed to collaborate with First Nations, First Nation sector organizations, government agencies, industry partners, academic institutions, and private sector organizations to examine and develop options for the creation of a First Nations Natural Resources Institute.
- The potential role of the First Nations Natural Resources Institute is to provide information and technical expertise on natural resource management for First Nation communities. The Institute will be tasked with the mandate of building technical, scientific and financial capacity in the First
Nation community. The Institute shall advance sustainable growth and development in various natural resource sectors through research, policy, education, capacity development, advocacy and support.

By 2017

- Develop a First Nation natural resource vision that reflects the shared beliefs, values and aspirations of First Nations peoples with regard to the mining, forest management, fisheries, and agriculture and energy sectors.
- Initiating necessary reforms to existing legislation, regulations and policies governing natural resource management arrangements in light of Aboriginal and Treaty rights.
- Implement policy frameworks to guide resource managers in understanding Aboriginal and Treaty rights and the resulting obligations and in ensuring that private resource operations and tenure arrangements do not infringe, without appropriate justification, upon Aboriginal and Treaty rights.
- Implement Treaties and settle outstanding land claims, which will increase First Nation access to natural resources for Aboriginal communities to pursue both traditional and economic development activities.
- Developing First Nation business capacity, through developing and utilizing new and existing programs for business training, mentorships, technology transfer and documentation of instructive cases; developing business support infrastructure; and improving access to capital.
**Fisheries**

Fisheries are central to First Nation economies, cultures, and traditions. First Nation interests in fisheries extend beyond dietary and income needs and include aboriginal and treaty rights, traditional governance and jurisdiction, environmental stewardship, and spiritual connectivity. Building upon a long history of traditional fishing economies and practices, First Nations are invested in the long term sustainability of fisheries resources and seek to engage in nation to nation dialogues with the Government of Canada to ensure the continuance of robust, productive aquatic habitats that can provide resources for all users.

Collaboration between First Nations and the Government of Canada is integral to the continued success of Canada’s fishing sector. First Nation fishers are active in a wide array of marine and freshwater fisheries throughout Canada. Since the reaffirmation of commercial fisheries access rights by the Supreme Court of Canada, the quantity and value of Aboriginal landings, especially in coastal regions, have increased significantly. High quality First Nation fish products have contributed to Canada’s success in the seafood sector, which is currently the 8th largest exporter of fish and seafood products in the world and is the economic foundation of over 1,500 communities across Canada.

Despite the many successes First Nations have achieved in the fishing sector, significant barriers must be overcome. Capacity is lacking in many First Nation communities, fisheries infrastructure is aging, new processing plants must be built, and inconsistencies in program funding and catch quotas have undermined strategic planning exercises. Furthermore, Canadian fisheries are in a period of dynamic transformation as global economic patterns shift, resource pressures change, and new technologies and fishing practices emerge. In order to promote mutually beneficial advancements, the Government of Canada must engage with First Nations on a nation-to-nation basis to address the multi-jurisdictional issues through aboriginal and treaty discussions, determine joint priorities and the best course to promote prosperous fisheries based on healthy ecosystems.

**The First Nations Plan**

First Nations have always relied on the fisheries to sustain their economic life, provide their food supply, and sustain their cultural and spiritual life. In order to continue practicing traditional activities, First Nations seek increased shares in fisheries and greater involvement in management and decision-making, pursuant to their Aboriginal treaties and rights that arise from prior use of fisheries and aquatic resources.
Immediate

- First Nations seek to implement Supreme Court of Canada decisions that mandate the Government of Canada to respect traditional fisheries and work with First Nations to increase fishing capacity. The federal government should work directly with communities to ensure the long term sustainable growth of economically stable fisheries.
- First Nations have expressed the need for increased human, administrative and financial capacity to respond to federal legislative, policy and program reviews. Improved access and funding programs for First Nations to receive training and certification in management, protection and monitoring of fisheries can provide a basis for long term employment in the fisheries sector.
- In order to promote growth in the First Nation fishing sector, initiatives such as the Atlantic Integrated Commercial Fisheries Initiative and Pacific Integrated Commercial Fisheries Initiative need to be expanded and better funded. First Nations recognize the value of participating in these efforts, but the lack of resources has impacted capacity development and access to domestic and foreign markets.
- In keeping with the mandate of the Department of Fisheries and Oceans, programs that promote habitat stewardship should be supported. New First Nation specific habitat initiatives should be created in regions that currently lack access to programs, such as in the DFO Central and Arctic region. Healthy habitat is the basis for robust fisheries and habitat stewardship provides valuable job training to First Nation youth.
- First Nations are mobilizing to develop unique seafood product labels, marketing strategies and brands. The Government of Canada should support these initiatives and offer assistance to strengthen the commercial success of First Nation seafood products as a win/win strategy.

Interim

- First Nations have complex traditional legal, governance, and management systems for local fisheries. In order to promote meaningful co-management of fisheries resources, First Nation customary laws, and traditional knowledge and accountability structures must be recognized and incorporated into joint decision-making processes.
- The Department of Fisheries and Oceans should work directly with First Nation technicians to review policies and mechanisms to ensure predictability in program funding and fishing allocations. Predictability will allow First Nations to develop and adhere to multi-year management and development plans.
- The federal government should plan to create new export support programs to encourage the steady growth of the First Nation fishing sector First Nations by promoting access to foreign markets.
First Nations seek greater dialogue to jointly determine marketing and sales opportunities for inland fisheries. The Government of Canada should provide fora to engage in direct dialogue with First Nation fishers about future initiatives related to the Freshwater Fish Marketing Corporation.

By 2017

- The Federal - First Nation relationships must be based upon respect for aboriginal history and culture, and must recognize important modern day economic, social and environmental interests. The Government of Canada must respect the paramount role that fisheries play in the social, cultural and economic health of First Nation communities by granting priority access to First Nation fishers and ensuring fisheries access is limited only as an option of last resort to conserve sensitive habitat or imperilled fish stocks.
- Legislation governing other sectors such as mining and energy can influence fisheries health. Existing legislation, regulations and policies must be evaluated and modernized to ensure continued use and enjoyment of aquatic resources by future generations.
- First Nations will strive to maintain healthy ecosystems and restore those in danger, while using fish species and habitat to provide their people with resources, for food, social and ceremonial purposes. At the same time they will work in partnership with government and third parties to ensure recognition of their rights to manage and commercially advance these resources.
- Across Canada, the First Nations require real governance over traditional resources. Outdated and inappropriate legislation, programs and policies must be replaced with an expansive nation-to-nation dialogue on the general policy issues that will create opportunities for enhanced partnerships. First Nations have emphasized the need for increased powers of co-management and capacity-building opportunities at the regional and local levels.
- Although progress has been made, there are important obstacles that impede Aboriginal economic development. For instance, there are deficits in skilled labour, lack of industry-specific job training, capacity, infrastructure, and financing options. Canada must do more to fill these gaps. Land claims settlements and recognition of First Nation self-determination will ensure Aboriginal access to land and resources.
- The Federal Government must engage with First Nations on a nation-to-nation basis to determine fisheries priority areas and work in good faith with First Nation communities to achieve mutually beneficial advancements.
- The Government of Canada must work with First Nations to address the policy gaps of the multi-jurisdictional federal responsibilities related to aboriginal and treaty rights that protect First Nation rights to access the fisheries resource that includes tri-lateral discussions with other federal departments and provincial governments.