



AFN/CANADA MEMORANDUM OF UNDERSTANDING ON JOINT PRIORITIES

OVERVIEW

On December 15, 2016, Prime Minister Justin Trudeau responded to the Assembly of First Nations' (AFNs) call for a high level mechanism to discuss First Nations' priorities by agreeing to a process for dialogue with the AFN.

The National Chief was mandated by the Executive Committee in May 2017 to finalize a MOU with Canada. The AFN/Canada Memorandum of Understanding (MOU) on joint priorities was signed by the National Chief and the Prime Minister at the first meeting held in June 2017.

The MOU is a simple agreement to meet a minimum of three times a year, with one of

those meetings chaired by the Prime Minister. Current priorities for dialogue include: community safety and policing, co-development of a languages act, co-development with First Nations of measures to support implementation of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration), establishment of a joint law and policy review, implementation of the Truth and Reconciliation Commissions' (TRC) Calls to Action, continuing work to develop options for Chiefs for a new fiscal relationship, and measuring progress on closing the socio-economic gaps between First Nations peoples and other Canadians.

UPDATE

On January 14, 2019, the National Chief, members of the Executive Committee, and First Nations leadership met with the Prime Minister and key members of Cabinet as part of the AFN-Canada MOU on Joint Priorities. The Prime Minister and the National Chief co-chaired this meeting, the first of three meetings that will take place under the MOU in 2019.

The National Chief opened by speaking about the RCMP action on Wet'suwet'en lands. He stated that reconciliation requires that First Nations laws must be recognized, respected and upheld, and there must be room in Canada for not only common law and civil law, but

recognition of First Nations law and jurisdiction too. First Nations inherent rights, Treaty rights, and title were themes that flowed throughout the meeting.

The MOU meeting took place the day of a federal Cabinet shuffle, giving the National Chief and the Regional Chiefs the opportunity to connect with the newly-appointed Minister of Indigenous Services Canada (ISC), Seamus O'Regan. The former Minister of ISC, Jane Philpott, also attended the meeting to provide final comments on her files. Minister Rodriguez (Heritage), Minister Carolyn Bennett and Parliamentary Secretaries Karen McCrimmon (Public Safety), Gary Anandasangaree

ISSUE UPDATE

March 2019

(Heritage) and Joël Lightbound (Finance) also attended.

The National Chief and the Prime Minister agreed that progress is being made in many areas, but there is still much work to do to close the gap between First Nations and other Canadians.

Progress includes Canada's commitment to support three pieces of legislation: (1) Bill C-262, *An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples*, currently at second reading in the Senate; (2) A new Bill on First Nations' jurisdiction over child welfare, co-developed with First Nations, to be tabled in Parliament within a few weeks; and (3) New Indigenous languages legislation, co-developed with First Nations and also expected to be tabled in Parliament within a few weeks.

The National Chief, Regional Chiefs, and cabinet ministers discussed how to advance progress on a number of key joint priorities. .

Discussion included the need to initiate a First Nations-led processes to replace Canada's Inherent Right Policy to Self-Government policy and Comprehensive Land Claims Policy, and to reinvigorate processes on Specific Claims and Additions to Reserve.

Next steps on implementing the UN Declaration (co-development of a national action plan for implementation) was also discussed.

The agenda and the National Chief's opening remarks from January 14, 2019, can be found at www.afn.ca.

Since the MOU on Joint Priorities was signed, the following progress has been made:

- On November 20, 2017, then Minister of Justice, Jody Wilson-Raybould announced government support of Private Members Bill C-262, *An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples*. Bill C-262 is currently in the Senate.
- The New Fiscal Relations work continues and has already resulted in major improvements for First Nations, such as the ability to carry over funding from year-to-year. In April 2019, the 10-year grants will be implemented, which will end unpredictable annual contribution agreements. Almost 40% of First Nations have expressed interest in the grant. It is anticipated that the target for grant implementation will be significantly exceeded.
- In the spring of 2018, the Interim Board of the National Council for Reconciliation, invited the AFN to provide input on how to implement Calls to Action 53 and 54. These two Calls to Action propose the establishment of a National Council for Reconciliation as an independent oversight body. In his response, the National Chief included that the next steps for developing the legislation to establish the NCR and its mandate must better reflect partnership and cooperation, through a transparent process of co-development between Canada and Indigenous peoples.
- The Interim Board of Directors for the National Council for Reconciliation released its report in June 2018 which calls for the development and implementation of a multi-year National Action Plan for Reconciliation, including the implementation of the Truth and Reconciliation Commission of Canada's Calls to Action to advance reconciliation.

ISSUE UPDATE

March 2019

- On December 14, 2017, the National Chief and former ISC Minister Philpott met to discuss First Nations budget priorities in areas relating to the Minister's mandate including priorities relating to housing and infrastructure.
- On January 10, 2018, the Minister of Public Safety, Ralph Goodale announced \$291 million of additional funding to support police services on First Nations and in Inuit communities in support of a Joint Priority on this issue.
- On February 14, 2018, the Prime Minister reiterated support for Bill C-262, announced the replacement of the Comprehensive Land Claims Policy and the Inherent Right Policy and most notably, indicated that a new approach to rights recognition and implementation to be developed "in full partnership" with First Nations, including new mechanisms to recognize First Nations' systems of governance and ensure consistent, meaningful implementation of Treaties and other agreements.
- On February 27, 2018, *Budget 2018* was announced. The budget includes a total investment of \$4.76 billion over five years for Indigenous peoples and First Nations. This represents a running total of \$16.6 billion in investments in the past three budgets, an unprecedented commitment from the federal government.
- Over the summer of 2018, the AFN continued its co-development of the *Indigenous Languages Act*. The Act is expected to be introduced to Parliament before it recesses in June 2019.
- On August 28, 2018, the federal government announced the creation of a new Cabinet Committee on Reconciliation, tasked with building on the work previously undertaken by the Working Group of Ministers on the Review of Laws and Policies Related to Indigenous Peoples. The Cabinet Committee is chaired by Minister of International Trade Diversification, Jim Carr.

NEXT STEPS

The MOU prioritizes joint work between Canada and First Nations to decolonize and align federal laws and policies with the UN Declaration and First Nations' inherent and Treaty rights. In December 2018, First Nation's

rights holders rejected Canada's proposed Recognition and Implementation of Indigenous Rights Framework. The AFN continues to advocate for a First Nations-led process on the recognition of rights.