



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.

Following review of internal drafts of a Memorandum of Understanding (MOU) by the AFN Executive Committee in February and May 2017, the National Chief was mandated by the Executive Committee to finalize a MOU with Canada. Accordingly, the National Chief and the Prime Minister signed the AFN/Canada MOU on Joint Priorities at the first meeting held in June 2017.

UPDATE

The third meeting under the MOU on Joint Priorities took place March 26, 2018. The following Ministers were in attendance: Carolyn Bennett, Minister of Crown-Indigenous Relations (CIR), Jody Wilson-Raybould, Minister of Justice and Attorney General of Canada and Jane Philpott, Minister of Indigenous Services. Parliamentary Secretaries from Canadian Heritage, Indigenous Services Canada (ISC) and CIR also attended the meeting.

The meeting served as an opportunity to discuss the 2018 federal budget commitments, hear updates on joint work to close the socio-economic gap, and discuss the Government's proposed Recognition and Implementation of Indigenous Rights Framework (RIIRF).

Regarding RIIRF, concerns were expressed about the engagement not being conducive to rights recognition. Full and meaningful engagement is required with rights holders. Legal and political

change is needed to keep Canada in line with the UN Declaration. The government expressed the view that its duty is to create the space that allows First Nations to breathe life into articles of the UN Declaration and s.35 of the Constitution.

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 the progress to close the socio-economic gaps.

A detailed account of the dialogue and agenda from March 26, 2018, is included in the AFN Bulletin *'Meeting on AFN-Canada Memorandum of Understanding on Joint Priorities'*, which can be found at www.afn.ca under 'News & Media'.

Many positive developments have occurred related to the joint priorities identified in the MOU.

On November 20, 2017, the 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*

ISSUE UPDATE

October 2018

harmony with the United Nations Declaration on the Rights of Indigenous Peoples. Bill C-262 is currently in the Senate.

- The Fiscal Relations work continues and has already resulted in helpful changes like the ability to carry over funding. Next steps include the implementation of 10-year grants instead of 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.
- On December 14, 2017, the National Chief and 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.
- On February 14, 2018, the Prime Minister reiterated support for Bill C-262, announced the replacement of the Comprehensive 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 in the fall of 2018.
- 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 next ministerial level meeting on joint priorities is planned for January 2019 and will be co-chaired by the National Chief and Prime Minister Trudeau.
- The MOU prioritizes the joint work to decolonize and align federal laws and policies with the UN Declaration and First Nations inherent and Treaty rights. As such, Canada's proposed Recognition and Implementation of Indigenous Rights Framework will be added as an agenda item for the next meeting.