



What is the history of this issue and how does it impact First Nations?

Treaties between First Nations and colonial governments are the ethical and legal bedrock of Canada. The Royal Proclamation of 1763, amongst other agreements, documents, or histories indicate the sovereign and sacred nature of these Treaties both historic and modern. Colonial governments have not respected or honoured Treaties fully. The Government of Canada formally recognizes only 70 “historic” Treaties (1701-1923) and 25 “modern treaties/comprehensive land claim agreements.” To date, there are Independent Treaty Commissions in [Manitoba](#) and [Saskatchewan](#) that undertake activities in relation to historic treaties such as public education, research and facilitating discussions on treaty issues.

[Canada’s Speech from the Throne in 2019](#) stated that the government of Canada would “take new steps to ensure the Government is living up to the spirit and intent of the treaties, agreements, and other constructive arrangements made with Indigenous Peoples.” [The Minister of Crown-Indigenous Relations mandate letter from late 2019](#) stated that Canada would:

Co-develop with Indigenous Peoples a new distinctions-based process for the ongoing review, maintenance and enforcement of Canada’s treaty obligations between the Crown and Indigenous communities. This work will be supported by a new National Treaty Commissioner’s Office that will be designed and established with Indigenous partners.

To date there are myriad of resolutions from the Chiefs-in-Assembly that engage the issues of respect for Treaties, both historic and modern. Specifically, Resolution 78/2015 directs the AFN to support Treaty Nations to *Establish a Treaty Commissioner’s Office*.

How has the AFN’s recent advocacy affected this area?

The federal commitment in the Speech from the Throne in 2019 and the Minister of Crown-Indigenous Relations’ mandate letter from 2019 represent a key opportunity for Treaty Nations. Further to this, the federal government’s legislation to implement the UN Declaration on the Rights of Indigenous Peoples, Bill C-15, if passed and receives royal assent, could have significant impacts in support of Treaty recognition, respect, affirmation and implementation.

In 2020-2021, the AFN advocated and secured funding to support Treaty Nations 1-11 to explore the establishment of a Treaty Commissioners Office (TCO) with the purpose of each Treaty Nation possibly providing recommendations, thoughts and discussion for further direction. Throughout 2020-2021, despite the COVID-19 pandemic, the AFN supported those Treaty regions that

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wanted to conduct this work. The outcome of this Treaty Nation-led work is anticipated to support a refined and informed approach for the eventual creation of a TCO.

Where do we hope to go in the future?

Currently, there is a serious Treaty rights implementation gap, which contributes to the massive socio-economic divide between First Nations and Canadians, which requires a significant shift in approach. Due to the sacred nature of Treaties, this “implementation gap” is a serious matter which strikes at the core of the relationships among all Treaty peoples, both First Nations and Canadians. First Nations have complex, and often divergent views regarding the Inherent Rights Policy, Treaties, Nation-Building process and policies. The work that is anticipated in the eventual creation of a TCO will focus on how engagements can fully respect the critical ceremonial protocols necessary to underpin this sacred and long-overdue work.

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