



Canada and the Congress of Aboriginal Peoples Political Accord



This Agreement is effective from the ___ day of _____, 2018.

Between:

Her Majesty the Queen in Right of Canada
As represented by the Minister of Crown-Indigenous Relations (“Canada”)

And

The Congress of Aboriginal Peoples
As represented by the National Chief (“The Congress”)

(Hereinafter collectively referred to as the “Parties”)

WHEREAS the mandate of the Congress of Aboriginal Peoples (formerly the Native Council of Canada) is to be a national voice for off-reserve Status and Non-Status Indians, NunatuKavut Inuit and Métis peoples;

AND WHEREAS the Congress works jointly with its affiliated Provincial Territorial Organizations (PTOs) across Canada to represent and advance the interests and needs of its constituents;

AND WHEREAS the Congress is a national representative organization whose PTO memberships can and do include some rights-holding Indigenous peoples;

AND WHEREAS the vision of the Congress is that all Indigenous peoples in Canada should experience the highest quality of life, through the rebuilding of Nations. All Indigenous citizens have the right to be treated with respect, dignity, integrity and equality;

AND WHEREAS in section 35.1 of the *Constitution Act, 1982*, “the existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed,” and in section 35.2, “aboriginal peoples of Canada includes the Indian, Inuit and Métis peoples of Canada”;

AND WHEREAS section 25 of the *Charter of Rights and Freedoms* says that “the guaranty of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada, including (a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763”;

AND WHEREAS under section 91(24) of the *Constitution Act, 1867*, the federal government has legislative authority for “Indians, and Lands reserved for the Indians”;

AND WHEREAS in 2016, the Supreme Court of Canada issued a unanimous decision in *Daniels v. Canada* declaring that Métis and Non-Status Indians are “Indians” under section 91(24) of the *Constitution Act, 1867*, which affirms that Métis and Non-Status Indians fall under federal jurisdiction;

AND WHEREAS the *Daniels* decision confirms previous case law that “Canada’s Aboriginal peoples have a fiduciary relationship with the Crown”. The fiduciary relationship between the Crown and Aboriginal peoples includes Métis and Non-Status Indians. The *Daniels* decision contributes to increased clarity with respect to federal government jurisdiction in relation to Métis and Non-Status Indians;

AND WHEREAS Canada and the Congress both support the full implementation of the Truth and Reconciliation Commission’s (TRC) 94 Calls to Action and the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*;

AND WHEREAS Canada is committed to engaging in a renewed relationship and achieving reconciliation with all Indigenous peoples based on recognition of rights, respect, co-operation and partnership with Indigenous peoples in Canada;

AND WHEREAS on December 16, 2015, Canada committed to working and meeting regularly with the Congress, as a recognized National Indigenous Representative Organization, to engage in robust discussions;

AND WHEREAS on February 17, 2016, Canada affirmed its commitment to strengthen the relationship between the federal government, the Congress and its provincial affiliate organizations, as an important step toward realizing a renewed relationship with all Indigenous people, in the spirit of openness, collaboration and hope to bring about positive change;

AND WHEREAS Canada reaffirms its commitment to implementing future meetings between Canada and the Congress in order to sustain and advance progress on shared priorities, as well as to uphold the court's declaration in the *Daniels* decision.

NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:

1. OBJECTIVES

- 1.1 Reaffirm a renewed relationship between Canada and Indigenous peoples based on recognition of rights, respect, co-operation and partnership;
- 1.2 Close the socio-economic gap between Indigenous peoples and non-Indigenous Canadians;
- 1.3 Acknowledge and build on the spirit and intent of previous Political Accords between Canada and the Congress to identify joint policy priorities and strategies for the well-being of the Congress' constituents;
- 1.4 Support the implementation of the TRC's 94 Calls to Action and UNDRIP;
- 1.5 Engage the Congress on federal policy discussions that may impact the Congress' constituents;
- 1.6 Support the establishment of effective mechanisms and processes to facilitate discussions on the implications of the *Daniels* decision, including the co-development of policies and initiatives;
- 1.7 Support the participation of the Congress and its provincial affiliates in matters related to the rights, interests and needs of their constituents;
- 1.8 Support the establishment of transparent and accountable processes to jointly communicate activities and results.

2. JOINT POLICY PRIORITIES

- 2.1 The Parties agree to work collaboratively to develop a list of shared policy priorities and to ensure special attention is given to the unique needs of women, children, Elders, persons with disabilities, and LGBTQ2S. The list of proposed joint policy priorities is attached as Schedule 1.
- 2.2 In addition to the joint policy priorities identified in Schedule 1, Canada acknowledges the Congress' vision of long-term goals as outlined in Schedule 2.
- 2.3 Policy priorities will be reviewed and renewed annually. The Congress and Canada may jointly decide to add more policy priorities to be worked on by the Parties in a given year and identify them in Schedule 1 to this Accord.
- 2.4 The Congress and Canada may enter into companion accords, agreements, protocols or any other arrangements deemed suitable in order to achieve jointly established policy priorities, as decided by the Parties to this Accord.

3. PROCESS / IMPLEMENTATION

- 3.1 The Parties agree to an ongoing collaborative, bilateral approach rooted in a meaningful engagement process responding to the joint policy priorities as introduced in Section 2 of this Accord and further detailed in Schedule 1. Both Parties will continue to co-operate through open and regular communications at the political level and working/program level;
- 3.2 The Minister of Crown-Indigenous Relations, and other departmental Ministers, as agreed upon by the Parties, shall meet with the Congress' National Chief and Board of Directors on a semi-annual basis.

- 3.3 The Parties agree to name lead representatives at a senior level to oversee the conduct of the discussions and implementation of this Accord and meet on a regular agreed-upon basis.
- 3.4 The Parties agree to annually report on progress and results achieved on joint priorities set out under this Accord to the Prime Minister of Canada, and to post this report on the Crown-Indigenous Relations and Northern Affairs and Congress of Aboriginal Peoples websites.

4. RESOURCES / FUNDING

- 4.1 Canada and the Congress of Aboriginal Peoples agree to negotiate multi-year resourced work plans to address the joint policy priorities and to include clear timelines, regular status updates and concrete deliverables.
- 4.2 The work plan will be negotiated and implemented in a timely manner following the signing of this document.
- 4.3 Where the implementation of the objectives and subject matter of this Accord requires new resources or policy authorities, these will be sought in accordance with Government of Canada processes, policies and applicable reporting requirements.

5. GENERAL

- 5.1 This Accord may only be amended in writing with the consent of the Parties.
- 5.2 The Parties agree that this Political Accord shall not preclude and shall be without prejudice to any other current or future bilateral, tripartite or multilateral processes in place with the Congress or any of its affiliates.
- 5.3 The Parties agree that this Accord does not create binding legal obligations.
- 5.4 Nothing in this Accord is intended, or is to be interpreted, so as to define create, recognize, deny, affect or amend any rights, duties or obligations of any of the Parties.

HER MAJESTY THE QUEEN IN RIGHT OF CANADA

The Honourable Carolyn Bennett, M.D., P.C., M.P.
Minister of Crown-Indigenous Relations

CONGRESS OF ABORIGINAL PEOPLES

Robert Bertrand, National Chief

Kim Beaudin, National Vice-Chief

Schedule 1: Joint Policy Priorities

- Research plans and policies in a post-*Daniels* context to help determine needs and program and service gaps, and improve access to existing programs and services for Non-Status and other off-reserve Indigenous peoples in such areas as housing, education, health, language and culture.
- Urban Indigenous landscape, including grass roots perspectives and governance in an urban context.
- Strategies to identify and engage with communities, organizations and populations in an off-reserve Indigenous context.
- Enhance strategic planning, tripartite discussions with Federal-Provincial-Territorial (FPT) governments, guided by principles of inclusion for all Indigenous peoples.

Schedule 2: Congress of Aboriginal Peoples Vision and Long-Term Goals

In addition to the co-developed joint policy priorities outlined in Schedule 1, these are the long-term goals and the vision of the Congress of Aboriginal Peoples and its affiliate organizations.

1. Establish a process to oversee the development of robust, timely policy and legislative responses guided by the *Daniels* decision to redress the inequalities experienced by the Congress' constituents;
2. Implement the TRC's 94 Calls to Action and UNDRIP, including mutually agreed upon RCAP recommendations;
3. Acknowledge the governance and accountability of the Congress' Indigenous communities and their own representative decision-making organizations;
4. Establish mechanisms and processes for discussing the settlement of claims, implementing rights, and instituting self-government for off-reserve Indians and Métis communities;
5. Equitable access to existing Aboriginal rights, treaty rights and land claims mechanisms and policies tailored to the Congress' constituent circumstances whose rights are engaged;
6. Implementation of the national early learning and childcare framework;
7. Improvement of essential physical infrastructure for Indigenous communities including the development and implementation of a national Indigenous housing program that addresses the unique housing needs of off-reserve Indigenous peoples;
8. Aboriginal human resource development and accessibility through off-reserve employment delivery centres to unlock human potential of the Congress' constituents;
9. Greater inclusion and meaningful involvement of the Congress and its affiliates in human resources and employment development as program delivery centres;
10. The full participation of the Congress and its affiliates in consultation, accommodation, and redress mechanisms and policies to respect the rights, interests and needs of the Congress' affiliates and their communities as rights holders, including involvement in major resources development projects;
11. Implementation of solutions and recommendations stemming from the National Inquiry into Missing and Murdered and Indigenous Women and Girls in Canada;
12. Taking effective measures for the continued improvement of socio-economic conditions and achieving a secure economic base for Indigenous "own-source" funding for programs and services;
13. Develop mechanism to redress the loss of lands and or resources traditionally owned or used by off-reserve Indians and Métis peoples, through fair and equitable compensation, restitution or other agreed upon means or measures; and
14. In consultation and co-operation with the Congress, implementing measures and means for the reinstatement, or the fair compensation for lands and resources occupied or used by the Congress' affiliate constituents as rights holders.