CANADA AND THE CONGRESS OF ABORIGINAL PEOPLES POLITICAL ACCORD

This Agreement is effective from the 5th day of December, 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”)

(whereinafter 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);

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.
HER MAJESTY THE QUEEN IN RIGHT OF CANADA

CONGRESS OF ABORIGINAL PEOPLES

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

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

JOINT POLICY PRIORITIES
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 Metis 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 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 Metis 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.