

Life Beyond the Indian Act - Navigating Change in First Nations Relations

Prepared by Norma C. Large, LLB, Policy Advisor, *onihcikiskwapowin*

Just two years ago, First Nations leaders throughout the country were asking the question of how the Government of Canada would begin to implement the United Nations Declaration on the Rights of Indigenous Peoples and to what extent the 'renewed relationship' that Prime Minister Justin Trudeau would be reflected by the Indian Residential School Truth and Reconciliation 94 Calls to Action. In that time Trudeau has moved quickly to implement this changed agenda and has been acting boldly toward making change happen. Through Bill C-262 (An Act to ensure that the laws of Canada are in harmony with the UNDRIP), a review on laws and policies that affect First Nations and the splitting of Indian and Northern Affairs Canada into two departments, the Government of Canada under the Trudeau Liberals are moving swiftly and with clear purpose. While the discussion about implementation of UNDRIP and the TRC Calls continues to manifest in policy implementation, what we now know is that the Liberals are moving toward achieving its goals through what they are calling a Recognition of Rights Framework.

Saddle Lake Cree Nation leadership have been monitoring these activities carefully and this article will be one of several plain language submissions that will explore what the changes through a national framework may mean for our way of life as *onihcikiskwapowin* peoples. It is important to note that there are many avenues of implementation and that week to week there appear more issues to be prepared for and to create concrete steps to respond in a good way.

The acceleration of activity culminated with the announcement of the Recognition of Rights Framework by PM Justin Trudeau on February 14, 2018 in the House of Commons. But it must be acknowledged that this announcement has been in the making for years. They involve several moving parts that are reflected in a number of reports and framework discussions since well before the Royal Commission on Aboriginal Peoples of 1996 and perhaps even long before that with the 1969 White Paper. We now know that through the work of Minister Jane Philpott (Indigenous Services) and Minister Carolyn Bennett (Rights Recognition), the Government of Canada has been frank in relation to achieving the next concrete steps which include: removing the Indian Act, replacing it with a new or changed legislative framework, establishing a changed fiscal relationship with First Nations, creating cross-jurisdictional arrangements in service delivery and implementing the framework under the Canadian Constitutional oversight for Indigenous relationships in Section 35. These activities are coinciding with one another, informing each other and increasingly, policy sector by policy sector, we can see an approach that moves the transfer of responsibility out of the hands of INAC and into those bands that are willing. Whether it is the Transforming First Nations Education agenda recently implemented through a national Memorandum to Cabinet or whether it is through the creation of varied co-development tables with the

Assembly of First Nations, the landscape in First Nations relations has certainly shifted.

How to move strongly and proactively from here? *onihcikiskwapowin* leadership has indicated directly, several times, to the Prime Minister and related Minister's that any changes cannot be completed without our peoples free, prior and informed consent. Any activity that is pursued cannot impact our ability to ensure that the spirit and intent of Treaty is intact. Further that our next steps going forward will be done with the continued expectation of Treaty implementation, as it has been the expectation since 1876 when the Treaty No. 6 was signed. Chief Makokis gave this message yet again on March 16, 2018 when Minister Bennett was crossing the Treaty territories with the Recognition of Rights Framework agenda.

In the coming weeks, Saddle Lake Cree Nation, through the Treaty Alliance with like mind First Nations such as the Onion Lake Cree will be assisting in the completion of a series of treaty think tanks to support each other as the framework discussion begins to create a more clear definition of next steps . On May 1, 2018 there is a Special Chiefs Assembly hosted by the Assembly of First Nations. In summer 2018, Saddle Lake leaders will also be co-hosting a Treaty Gathering with Cold Lake First Nations leadership to continue to advocate and provide guidance to a Treaty Based, Nation oriented plan going forward.