

Trigger Warning

This report includes discussions around topics pertaining to racism, discrimination, human rights and Indigenous rights. The Legal Department acknowledges that this content may be difficult. We encourage you to care for yourself and your emotional safety and well-being.

UNDRIP Consultation Report

Anishinabek Nation

December, 2022

Legal Department





United Nations Declaration on the Rights of Indigenous People Act

The Anishinabek Nation Legal Department hosted 14 virtual sessions, surveys and other research to educate and gather feedback and identify First Nation priorities about the implementation of the UNDRIP Act. The virtual sessions have been designed to be delivered in a format related to the Anishinaabe traditional teachings of the Dodemaag (Clan) System and their respective functions and responsibilities.

The UNDRIP Act came into effect on June 21, 2021. The UNDRIP establishes a universal framework of minimum standards for the survival, dignity, and well-being of Indigenous People of the world regarding human rights and fundamental freedoms. UNDRIP has 46 statements or articles that recognize Indigenous rights to cultural and ceremonial expression, identity, language, employment, health, education, and others. UNDRIP also includes rights to maintain and strengthen Indigenous institutions, cultures, and traditions, and to pursue development in keeping with our needs and aspirations.





ANISHINABEK NATION

December 15, 2022

TO: CITIZENS AND LEADERSHIP OF ANISHINABEK NATION

RE: UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLE

The Anishinabek Nation embarked on a significant effort regarding the newly enacted United Nations Declaration on the Rights of Indigenous People (UNDRIP) legislation. Our Legal Department hosted a series of virtual sessions to educate and gather feedback from Anishinabek community members about the UNDRIP and the Act. Utilizing the Dodemaag (Clan) System, the sessions were designed in accordance to Anishinaabe traditional teachings and guided the creation of a framework that included Indigenous methodologies and cultural approaches. Western legal concepts and terminology were also included to inform and gather feedback on collective injustices and discriminations related to federal legislation.

We have now created a report that has encompassed recommendations for alignment of federal legislation with the UNDRIP. We have identified twelve (12) pieces of legislation for recommendation to be reformed and transformed. These transformations will be essential to enhance recognition of First Nation rights, acknowledgement of First Nation jurisdiction and affirms First Nation human rights, both collective and individually for the Anishinabek Nation.

An outline of the report was approved by leadership at the fall regional meetings in October of 2022 and a full report (attached) was subsequently submitted on December 9, 2022. The federal government will be required to complete a 10 year Action Plan to be tabled in Parliament. The plan will include measures to address injustices, prejudices and elimination of violence, racism and discrimination against First Nations citizens and communities and will be reviewed on an annual basis.

We encourage everyone to review the report, which you can also find along with other resources on our website [here](#). We are very grateful to all who provided feedback to guide the creation of this report and we appreciate the opportunity to engage with communities to create this valuable resource.

Miigwech,

Grand Council Chief Reg Niganobe



Anishinabek Nation

The Anishinabek Nation established the Union of Ontario Indians (UOI) as its secretariat in 1949. The Anishinabek Nation is a political advocate for 39 member First Nations across Ontario. The Anishinabek Nation is the oldest political organization in Ontario and can trace its roots back to the Confederacy of Three Fires, which existed long before European contact.

The Anishinabek Nation represents 39 First Nations throughout the province of Ontario from Golden Lake in the east, Sarnia in the south, Thunder Bay and Lake Nipigon in the north. The 39 First Nations have an approximate combined population of 65,000 citizens, one third of the province of Ontario's First Nation population. The Anishinabek Nation has four strategic regional areas: Southwest, Southeast, Lake Huron and Northern Superior. Each region is represented by a Regional Deputy Grand Council Chief.



Culturally Appropriate and Methodologically Robust Approach to Evidence Based Practices

Anishinabek Nation ensured engagement sessions involved traditional storytelling while educating and bridging the knowledge gap between Western legal terminology and concepts and Indigenous methods or teachings that provided an understanding, created trust that resulted in gathering feedback about personal and collective injustices, discrimination, and systemic discrimination to support federal legislative changes.

Culturally appropriate and Indigenous methods also involved the traditional collective decision-making model where knowledge is from lived experience based on the realities of our Anishinabek Nation communities and citizens and knowledge that was socially produced from means of oppression, discrimination, and colonization effects. There were also context of legislation specific to First Nations and evidence that pertains to political advancement for Indigenous change.

The conceptualization of evidence-based practice in an Aboriginal-led 'environmental and organizational context' fits within a data sovereignty framework, and rights based agendas as promoted by global human rights instruments such as the UNIDRIP.¹

¹ Luke J, Verbunt E, Zhang A, et al. Questioning the ethics of evidence-based practice for Indigenous health and social settings in Australia. *BMJ Global Health* 2022;7:e009167. doi:10.1136/bmjgh-2022-009167



Background

The United Nations Declaration on the Rights of Indigenous People Act (UNDRIP) has been enacted in Canada. The Act received Royal Assent on 21 June 2021 after being passed by the Senate on 16 June on a vote of 61-10, with nine senators abstaining. The Act stipulates that Canada's federal government "must, in consultation and cooperation with Indigenous peoples and with other federal ministers, take all measures necessary to ensure that the laws of Canada are consistent with the Declaration" and "prepare and implement an action plan to achieve the objectives of the Declaration."

From 2014, Anishinabek Nation had specific mandates and direction relating specifically to UNDRIP reference, protections and advocacy to be implemented within Anishinabek Nations. More specifically, Resolutions 2017-19; 2018-23; 2019-28, 2022-06, 2022-18, and 2022-21. Although these resolutions set out context of UNDRIP, numerous other Resolutions relate to UNDRIP principles and the forty-six (46) articles and subjects were passed since.

Methodology

The Anishinabek Nation's Legal Department conducted evidence based research that combined a methodology of Indigenous worldviews and cultural approaches. The evidence based research intertwined the traditional decision-making model where a collective community decision-making process allowed knowledge from lived experience and is based on the realities of the Anishinabek Nation leaders, communities and citizens². This approach also allowed for knowledge to be produced through an anti-colonial/decolonizing/sovereign and self-determining lens that considers knowledge that has been socially produced through means of systemic discrimination, colonialism, socio-economic marginalization and culture clash.

1. Literature searches through academic and search engine databases within subjects of systemic discrimination, inequalities, Indigenous/First Nation, policy and legislation, etc. were also completed. Discussion papers were developed for each Doodemag (Clan) pertaining to relevant subjects, for instance; Marten Clan subjects included Land and Resources, Economic Development, Mining, Farming and Housing. The discussion papers included relevant applicable UNDRIP clauses, existing federal legislation, key issues and areas of possible change.
2. A total of sixteen (16) Virtual Engagement sessions where Anishinabek Nation completed a semi-structured interview incorporating Anishinabek First Nation's values, traditions and customs. Fourteen (14) engagement sessions utilized the Anishinaabe Doodemag (Clan) system as the subject matters and themes relating to UNDRIP. Two (2) engagement sessions involved First Nation social assistance staff and recipients and Anishinabek Nation Social department that encompassed relatable themes, articles and key issues. The Legal department created a framework that involved utilizing Indigenous methodologies, cultural approaches and an educating approach, to bridge the gap between western legal concepts and terminology. These approaches allowed for the traditional story telling concept that overall enhanced responses and feedback about personal and/or collective injustices, discriminations, and systemic discrimination.
3. Anishinabek Nation has an organized collection of information and data within an internal database. The database holds over forty-five (45) years of information pertaining to departmental conferences and reports, general information relating to past and present policies and procedures and Anishinabek Nation Governance. The data was utilized to conduct a five (5) year analysis of past resolutions through an UNDRIP lens and its implications for UNDRIP. Resolutions are the essential mechanisms by which Anishinabek Nation's Grand Council (39 First Nations), Regional Deputy Grand Councils and Chiefs of Anishinabek Nation communities

² Anishinabek Legal Summary; Anishinabek Legal Traditions Law Report; ASKEW and BURROWS

provide mandates and direction to Anishinabek Nation. Resolutions serves to effectively foster and capture consensus on significant policy matters.

4. Two surveys were developed to capture quantitative and qualitative data. The first survey was for all participants of the engagement sessions to capture priorities and themes. The second was directed towards Anishinabek Nation Leadership Councils after the draft report was completed to review an overview of the report and provide direction for next steps. Both surveys included meaningful feedback that allowed thematic themes that followed the Doodemag (Clan) systems to emerge. Priorities also emerged that distinguished the top five (3) themes to optimize the implementation of the United Nations Declaration on the Rights of Indigenous People within the ten (10) year Action Plan.

Key Findings

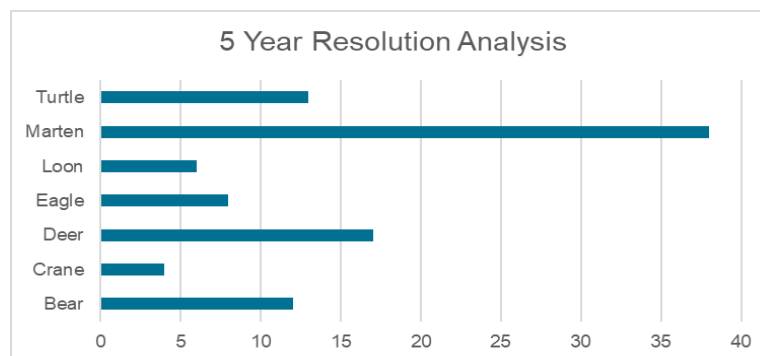
The key findings of this study are summarized below:

1. Virtual Engagement Sessions (*Qualitative Data*)

- The engagement session findings summarizes the priorities of Anishinabek Nation citizens and reflects what was heard during the engagement process. The theme that emerged from all the sessions was that majority of individuals have concerns with lands particularly the challenges, barriers and follow through of the inherent rights and authority to enact laws with respect to land, the environment and resources.
- Another theme that was echoed throughout all the sessions was the impact of the child welfare systems on Indigenous families, children and communities. Anishinabek Nation citizens raised critical issues of equitable access to justice for these families, the imbalance of funding disparities as compared to non-Indigenous child welfare agencies and the significant limitations on the fulfilment of unjust doctrines, policies and practices that are based on colonialism legal systems such as the common law of England whereas cultural social structures are not recognized.
- The importance of revitalizing language was identified as another key theme that arose in the multiple engagement sessions. Several challenges and barriers of revitalizing the Indigenous language was brought forth; fluent Indigenous speakers not being recognized as bilingual and the fluent Indigenous speakers not able to teach the language due to being unrecognized within the provincial educational systems.

2. Resolution Analysis

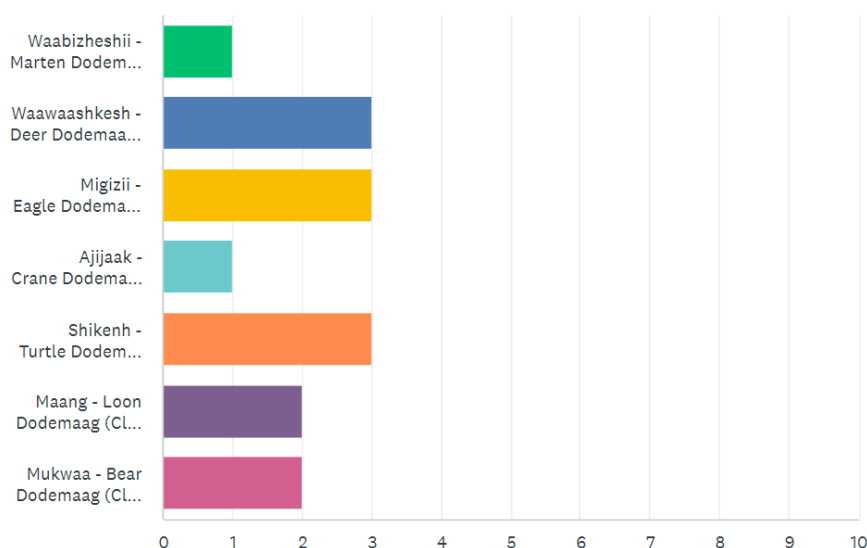
- Through the use of Anishinabek Nation's database an analysis of past Anishinabek Nation Grand Council (39 First Nations) resolutions were undertaken, thus providing an illustration of priorities pertaining to the Doodemags (Clan).



- The resolution analysis concluded that there are three main priorities for advocacy. This includes 1) Waabizheshii (Marten) Dodem – Lands and Resources, Mining, Economic Development, Agriculture, and Housing 2) the Waawaashkesh (Deer) Dodem – Social Development, Child Well-Being, Child Welfare, and other issues and 3) Shiikeng (Turtle) Dodem that includes justice matters such as law making, Gladue, and other.

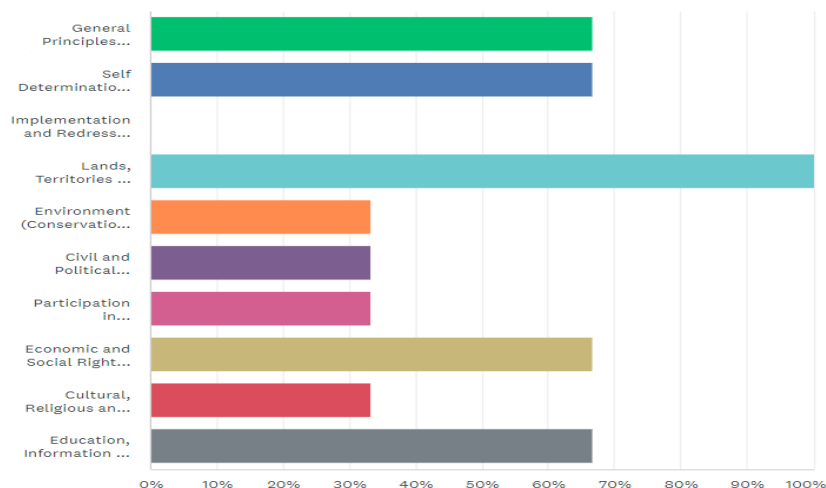
3. Survey (Quantitative data)

- To ensure that there were multiple ways to be inclusive, an online survey was developed. Although participation was low, there were three areas of priority;
 1. Waawaashkeesh (Deer) Dodem- Social Development, Child Well-Being, Child Welfare.
 2. Migizii (Eagle) Dodem- Education, Culture and Language and
 3. Shiikenh (Turtle) Dodem- Justice and Criminal Law.

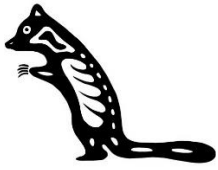


4. Survey (Quantitative and Qualitative)

- For final direction, a survey was sent to all the Leadership Councils of Anishinabek Nation. The survey provided findings of the draft report and requested the Leadership Council to further add direction for the 10 year Action Plan.



Key Recommendations



Key recommendation of the Waabizeheshii (Marten) Doodemag



It is recommended that change to federal legislation pursuant to the federal action plan include as a priority: protection and restoration of land and the effects of mining and storage of nuclear waste.



Key recommendation of the Waawaashkesh (Deer) Doodemag



It is recommended that federal legislation pursuant to the federal action plan include as a priority: the imbalance of funding disparities for Indigenous child welfare and social institutes as compared to non-Indigenous child welfare agencies and social institutes.



Key recommendation of the Migizii (Eagle) Doodemag



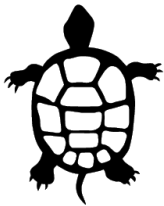
It is recommended that federal legislation pursuant to the federal action plan include as a priority: Indigenous language revitalization within all educational institutes have par funding to ensure lifelong learning.



Key recommendation of the Ajijaak (Crane) Doodemag



It is recommended that federal legislation pursuant to the federal action plan include as a priority: federal legislation that addresses proper resources for health, social and cultural services for Indigenous youth and families to address injustices, combat prejudice, and eliminate racism and discrimination that includes systemic racism and discrimination.



Key recommendation of the Shiikenh (Turtle) Doodemag



It is recommended that federal legislation pursuant to the federal action plan include as a priority: recognition in federal legislation the right to self-determination and in consultation with Indigenous people; whereas past and present common laws and Supreme Court decisions conflict with UNDRIP. This includes the implementation of Gladue and other judicial decisions addressing Indigenous people's overrepresentations.



Key recommendation of the Maang (Loon) Doodemag (Clan)



It is recommended that federal legislation pursuant to the federal action plan include as a priority: that federal legislation identify and change inequalities and discrimination pertaining to Human Rights and Employment and Labour.



Key recommendation of the Mukwaa (Bear) Doodemag (Clan)



It is recommended that federal legislation pursuant to the federal action plan include as a priority: that federal legislative change support First Nations control of health justification so that First Nations can set own priorities with adequate supports during transition period.

Recommendation for overall UNDRIP Action Plan



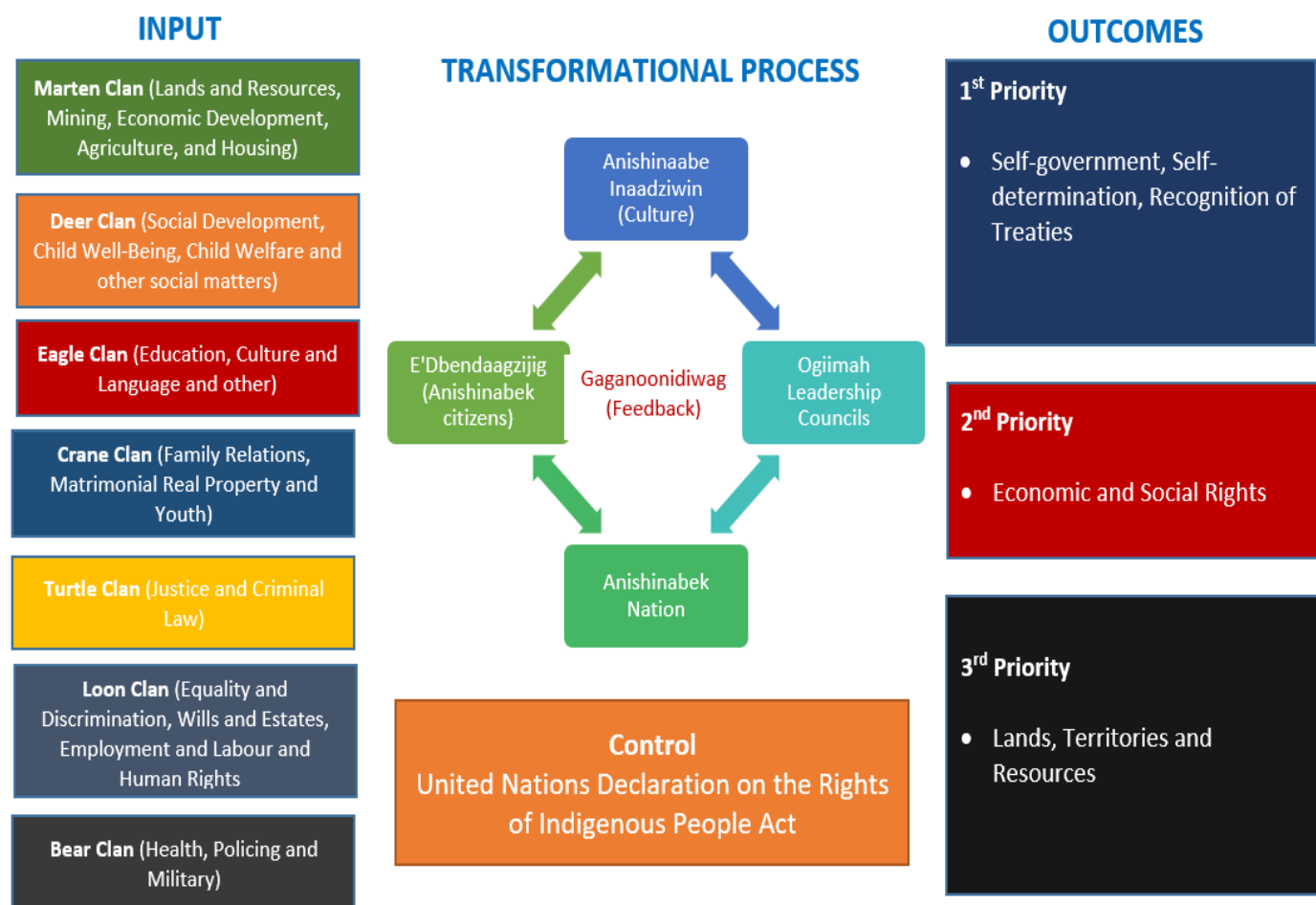
Co-develop an outcomes-based evaluation approach to be implemented within the Action Plan to ensure accountability and effectiveness for each; recommended federal legislative change that is inconsistent with UNDRIP. This includes the roles and responsibilities of each identified federal ministries to implement these actions, include timeframes to ensure factual scopes of length, have solution-based strategies when capacity gaps arise and recourse or remedies to address accountabilities.

Introduction

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) Act was created to affirm minimum standards for recognition of the collective and individual rights of Indigenous peoples. This report outlines significant priorities to achieve the objectives of the federally mandated Act over a ten year time frame by Anishinabek First Nations. Anishinabek Nation's citizens were engaged to provide input and feedback to develop a Federal Action Plan. Anishinabek Nation citizens provided widespread counter narratives to reactive systemic and systematic discrimination and racism within present federal legislation.

This included personal and collective narratives of socio-economic, health, and justice inequalities that demonstrates overrepresentations within the justice and child welfare systems. This also provides supplementary data for reasoning of lower rates of education and higher instances of poverty, unemployment and homelessness. Anishinabek Nation's report identifies UNDRIP common themes that are intended to support changes in federal legislation to address Indigenous-specific racism.

Anishinabek Nation's Evidence Based Practice and Transformation Process Model for UNDRIP

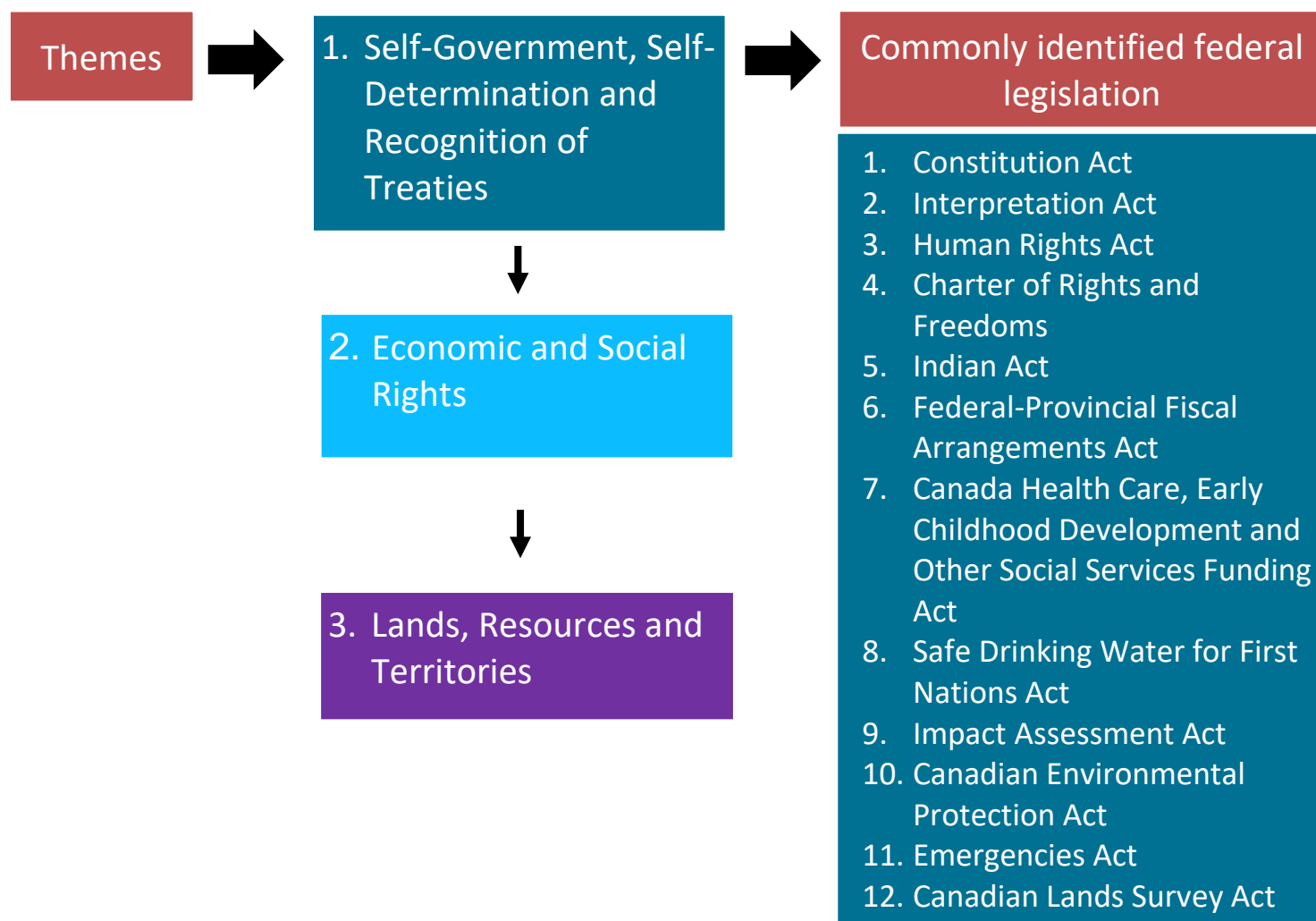


Feedback includes quantitative and qualitative data taken during transformation process.

Control is the comparison of feedback from Indigenous individuals with lived experiences of racism, discrimination that includes systemic and systematic discrimination against UNDRIPs minimum standards of human rights to determine corrective action.



Identifying priorities that relate to UNDRIP articles where federal legislation is identified to discover systemic and systematic federal legislative changes needed to meet the minimum standards of UNDRIP. For instance;



These are the top 12 federal legislative changes that have been devised from dialogue with Anishinabek Nation³. Although these pieces of federal legislation are priorities for change, there is still much overlapping and potential conflict between various definitions as it pertains to Indigenous administered authorities, inherent rights, self-government and responsibilities within most federal and provincial legislation.

There lacks consistency within federal and provincial legislation and First Nations must rely on courts, where judges must assess the competing federal and provincial authorities against one another in regards to judicial interpretation of authorities and responsibilities. This position ultimately leaves First Nation laws as lesser authority as compared to provincial, as precedent is set that provincial legislation may operate if there is no federal legislation. Hence, courts will presumptively treat provincial laws as valid, unless their primary objective targets Indians, and Lands reserved for the Indians. Therefore, provincial legislation that conflict with UNDRIP need to be addressed as well.

³ Mikisew Cree First Nation v. Canada (Governor General in Council), 2018 SCC 40, [2018] 2 S.C.R. 765

Proposed Action Plan Measures

The *Declaration on the Rights of Indigenous Peoples Act* requires the federal government to align the federal legislation with the UNDRIP. Anishinabek Nation's Legal Department identified several pieces of legislation that are essential for legislative reform where collectivity and collaboration between the Federal government and Anishinabek Nation must transform the structures and processes to be inclusive and respectful of Indigenous human rights. The proposed measures also frameworks urgency for decision-making authorities to ensure that the Action Plan reflects these proposed actions. As these proposed action plan measures directly affects Anishinabek Nation citizens and communities inherent rights, human rights and constitutional protection of treaty rights. The following proposed measures sets several areas of law to transform while restoring Anishinabek Nation's traditional laws that inclusively reinstates cultural competencies and inculcates Anishinaabe systemic approaches within Anishinabek Nation's institutions.

PROPOSED ACTION PLAN MEASURE #1	
Proposed Legislative Change	Constitution Act
Proposed Rationale	Adhere and add the principles and statements of UNDRIP within the Constitution Act. These principles and statements will ensure that Anishinabek Nation's communities' inherent rights to determination and right to autonomy or self-government is upheld and protected. Anishinabek Nation communities are also entitled to a duty to consult when issues or concerns may adversely impact potential or established treaty rights.
<u>UN Declaration Act section(s) (5, 6, or/and 7)</u>	UN Declaration Act Section(s) 4(a)(b), 5, 6(2)(a)(i)(ii), (b)
<u>UN Declaration Article(s)</u>	Articles 1, 2, 3, 4, 5, 6, 7, 8, 9,11,12,13,17, 18, 19, 20, 21, 22, 23, 24, 25, 31,34, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46.
<u>UN Declaration Theme(s)</u>	General Principles, Self-Determination, Self-Government and Recognition of Treaties, Implementation and Redress, Civil and Political Rights, Participation in decision-making and Indigenous institutions, Economic and Social Rights, Cultural, Religious and Linguistic Rights

PROPOSED ACTION PLAN MEASURE #2	
Proposed Legislative Change	Interpretation Act
Proposed Rationale	Protect treaty and Aboriginal rights from being negatively impacted by legislation or governmental agreements. Ensure that public officials and departments actively enact the principles, statements and measures of UNDRIP to uphold Anishinabek Nation communities treaty rights.
<u>UN Declaration Act section(s) (5, 6, or/and 7)</u>	UN Declaration Act Section(s) 4(a)(b), 5, 6(2)(a)(i)(ii), (b)
<u>UN Declaration Article(s)</u>	Articles 1, 2, 3, 4, 5, 6, 7, 8, 9,11,12,13,17, 18, 19, 20, 21, 22, 23, 24, 25, 31,34, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46.
<u>UN Declaration Theme(s)</u>	General Principles, Self-Determination, Self-Government and Recognition of Treaties, Implementation and Redress, Civil and Political Rights, Participation in decision-making and Indigenous institutions, Economic and Social Rights, Cultural, Religious and Linguistic Rights



PROPOSED ACTION PLAN MEASURE #3

Proposed Legislative Change	Human Rights Act
Proposed Rationale	Implement improvements to Human Rights Act to ensure equitable standards and UNDRIP is intertwined within the Human Rights Act. Create an Indigenous specific complaints processes and allow for new models that is culturally appropriate and includes Indigenous laws in complaints resolution.
<u>UN Declaration Act section(s) (5, 6, or/and 7)</u>	UN Declaration Act Section(s) 4(a)(b), 5, 6(2)(a)(i)(ii), (b)
<u>UN Declaration Article(s)</u>	Articles 1, 2, 3, 4, 5, 6, 7, 8, 9,11,12,13,17, 18, 19, 20, 21, 22, 23, 24, 25, 31,34, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46.
<u>UN Declaration Theme(s)</u>	General Principles, Self-Determination, Self-Government and Recognition of Treaties, Implementation and Redress, Civil and Political Rights, Participation in decision-making and Indigenous institutions, Economic and Social Rights, Cultural, Religious and Linguistic Rights

PROPOSED ACTION PLAN MEASURE #4

Proposed Legislative Change	Charter of Rights and Freedoms
Proposed Rationale	Include rights for Anishinabek Nation's citizens to fully participate in decision-making matters that affect any of Indigenous rights. Reinforce jurisdiction rights and other rights or freedoms to include the United Nations Declaration on the Rights of Indigenous Peoples Act.
<u>UN Declaration Act section(s) (5, 6, or/and 7)</u>	Section 3, 4, 5, 6 (1)(2)(a)(b)(3)(4)(5)(6)
<u>UN Declaration Article(s)</u>	Articles 1, 2, 3, 4, 5, 6, 7, 8, 9,11,12,13,17, 18, 19, 20, 21, 22, 23, 24, 25, 31,34, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46.
<u>UN Declaration Theme(s)</u>	General Principles, Self-Determination, Self-Government and Recognition of Treaties, Implementation and Redress, Civil and Political Rights, Participation in decision-making and Indigenous institutions, Economic and Social Rights, Cultural, Religious and Linguistic Rights

PROPOSED ACTION PLAN MEASURE #5

Proposed Legislative Change	Indian Act
Proposed Rationale	Reform the legislation, regulations and policies to remove systemic obstacles to reflect decision-making models, reinforce jurisdiction and recognize, support economic independence through fiscal frameworks that supports the operation of Indigenous governments. A shared strategic vision with First Nations that upholds the rights and objectives of the UN Declaration.
<u>UN Declaration Act section(s) (5, 6, or/and 7)</u>	Section 3, 4, 5, 6 (1)(2)(a)(b)(3)(4)(5)(6)
<u>UN Declaration Article(s)</u>	Article 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46

<u>UN Declaration Theme(s)</u>	General Principles, Self-Determination, Self-Government and Recognition of Treaties, Implementation and Redress, Lands, Territories and Resources, Environment, Civil and Political Rights, Participation in decision-making and Indigenous institutions, Economic and Social Rights, Cultural, Religious and Linguistic Rights, Education, Information and Media.
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PROPOSED ACTION PLAN MEASURE #6

Proposed Legislative Change	Federal-Provincial Fiscal Arrangements Act
Proposed Rationale	Within Anishinabek Nation territories, Treaties signed have outlined to share resources and benefits through revenue source sharing from direct economic benefits. Revenue sources include miscellaneous provincial revenues, provincial taxes, and any taxes that accumulate a revenue base through regulations. An important step of reconciliation is providing augmentation of treaty based annuities for our Anishinabek Nation communities. Implementing the UNDRIP into federal legislation will also improve socio-economic conditions for Anishinabek Nation communities. The perspective of fair and equitable participation in the decision making related to revenues was also expressed.
<u>UN Declaration Act section(s) (5, 6, or/and 7)</u>	Section 3, 5, 6 (1)(2)
<u>UN Declaration Article(s)</u>	Article 3, 4, 5, 18, 19, 20, 21, 22, 23, 24, 34, 37
<u>UN Declaration Theme(s)</u>	Economic and Social Rights, Self-Determination, Self-Government and Recognition of Treaties, Participation in decision-making and Indigenous institutions

PROPOSED ACTION PLAN MEASURE #7

Proposed Legislative Change	Canada Health Care, Early Childhood Development and Other Social Services Funding Act
Proposed Rationale	This Act agreed to increase funding to all provinces and territories for the purposes of health, post-secondary education, social assistance and social services including childhood development and enhancing medical technologies and health information networks. Provision of core funding, capacity funding particularly to First Nations for the purposes of health, post-secondary education, social assistance and social services should be inclusive.
<u>UN Declaration Act section(s) (5, 6, or/and 7)</u>	Section 3, 4, 5, 6 (1)(2)(a)(b)(3)(4)(5)(6)
<u>UN Declaration Article(s)</u>	Article 7, 20, 21, 22, 23, 24, 29, 31, 40, 43
<u>UN Declaration Theme(s)</u>	Civil and Political Rights, Economic and Social Rights, General Principles, Implementation and Redress



PROPOSED ACTION PLAN MEASURE #8

Proposed Legislative Change	Safe Drinking Water for First Nations Act
Proposed Rationale	Develop and implement strategies that identify policy or legislative reforms supporting Indigenous laws about water rights, water stewardship, decision-making, sufficient funding and initiatives for sustainable water management.
<u>UN Declaration Act section(s) (5, 6, or/and 7)</u>	Section 3, 4, 5, 6 (1)(2)(a)(b)(3)(4)(5)(6)
<u>UN Declaration Article(s)</u>	Article 3, 4, 18, 19, 21, 25, 29, 32, 37
<u>UN Declaration Theme(s)</u>	Self-Determination, Self-Government and Recognition of Treaties, Implementation and Redress, Lands, Territories and Resources, Environment, Participation in decision-making and Indigenous institutions, Economic and Social Rights, Cultural, Religious and Linguistic Rights

PROPOSED ACTION PLAN MEASURE #9

Proposed Legislative Change	Impact Assessment Act
Proposed Rationale	Ensuring that Indigenous knowledge and participation is within the processes for impact assessments and prevention of significant environmental effects. Implementing Anishinabek Nation's environmental traditional and cultural frameworks that contribute to environmental obligations and the impacts of climate changes whether directly or incidentally effecting Anishinabek Nation territorial lands and communities.
<u>UN Declaration Act section(s) (5, 6, or/and 7)</u>	Section 3, 4, 5, 6 (1)(2)(a)(b)(3)(4)(5)(6)
<u>UN Declaration Article(s)</u>	Articles 3, 4, 5, 10, 18, 19, 20, 21, 26, 25, 27, 28, 29, 31, 37, 38, 39, 40, 41, 42, 46
<u>UN Declaration Theme(s)</u>	Self-Determination, Self-Government and Recognition of Treaties, Implementation and Redress, Lands, Territories and Resources, Environment, Participation in decision-making and Indigenous institutions, Economic and Social Rights, Cultural, Religious and Linguistic Rights

PROPOSED ACTION PLAN MEASURE #10

Proposed Legislative Change	Canadian Environmental Protection Act
Proposed Rationale	Protect Anishinabek Nation's jurisdiction of communities and territories and address insufficient capacity whereas Anishinabek Nation's communities have effective environmental management on traditional, territorial and First Nation lands. Ensure to have solutions that bridge gaps and implement redress clauses where environmental degradation and health problems undermine or have impacted Anishinabek Nation's communities and territories.
<u>UN Declaration Act section(s) (5, 6, or/and 7)</u>	Section 3, 4, 5, 6 (1)(2)(a)(b)(3)(4)(5)(6)
<u>UN Declaration Article(s)</u>	Articles 3, 4, 5, 10, 18, 19, 20, 21, 26, 25, 27, 28, 29, 31, 37, 38, 39, 40, 41, 42, 46
<u>UN Declaration Theme(s)</u>	Self-Determination, Self-Government and Recognition of Treaties, Implementation and Redress, Lands, Territories and Resources, Environment, Participation in


	decision-making and Indigenous institutions, Economic and Social Rights, Cultural, Religious and Linguistic Rights
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PROPOSED ACTION PLAN MEASURE #11	
Proposed Legislative Change	Emergencies Act
Proposed Rationale	Anishinabek First Nation communities require sustainable resources to improve capacities to assist and prepare for emergencies that threaten and endangers the lives, health and safety of their citizens.
<u>UN Declaration Act section(s) (5, 6, or/and 7)</u>	Section 3, 4, 5, 6 (1)(2)(a)(b)(3)(4)(5)(6)
<u>UN Declaration Article(s)</u>	Articles 2, 5, 18, 19, 20, 21, 22, 23, 24, 26, 27, 29, 34, 35, 38, 39,
<u>UN Declaration Theme(s)</u>	General principles, Implementation and Redress, Lands, Territories and Resources, Environment, Participation in decision-making and Indigenous institutions, Economic and Social Rights

PROPOSED ACTION PLAN MEASURE #12	
Proposed Legislative Change	Canadian Lands Survey Act
Proposed Rationale	Fully recognize and respect Anishinabek Nation's rights and title to lands and be inclusive of distinct spiritual and traditional customs. Anishinabek Nation's communities exercise inherent rights to own, use and control lands and resources within traditional territories.
<u>UN Declaration Act section(s) (5, 6, or/and 7)</u>	Section 3, 4, 5, 6 (1)(2)(a)(b)(3)(4)(5)(6)
<u>UN Declaration Article(s)</u>	Articles 3, 4, 5, 10, 18, 19, 20, 21, 26, 25, 27, 28, 29, 31, 37, 38, 39, 40, 41, 42, 46
<u>UN Declaration Theme(s)</u>	Self-Determination, Self-Government and Recognition of Treaties, Implementation and Redress, Lands, Territories and Resources, Environment, Participation in decision-making and Indigenous institutions, Economic and Social Rights, Cultural, Religious and Linguistic Rights




Discussions per Doodemag (Clan) - Input from Consultation Sessions

Marten Doodemag (Clan) 	Topic: Lands and Resources:	Discussion/Concern/ <ul style="list-style-type: none"> Harvesting and hunting matters that involved no duty to consult or informing First Nations whom occupy the traditional lands for harvesting and hunting of planned and scheduling of spraying herbicide chemicals by the Ministry of Natural Resources. <ul style="list-style-type: none"> This also includes when MNR clear cuts traditional lands and mainstream not being able to see the cumulative effect that is occurring such as decreasing of animal populations and migration. Nuclear wastes being stored in traditional territories within Southern Ontario and/or transporting nuclear waste via rail and transports through First Nation territories and traditional territories without informed consent or in the event of a spill or environmental damage with no safety plans/measures or remedy to restore land and/or any environmental damages. Complications of implementing inter-treaties for harvesting and hunting, however voiced the need to implement so that nearby First Nations are able to harvest and hunt. Many Anishinabek First Nation communities only have one access road, there has been no increase or no funding to increase road access especially in the event of an emergency where First Nations communities would have to relocate temporary due to natural disaster or unforeseen climate catastrophes. Concern about what land means and acknowledge that land means so much more to Indigenous individuals. There also needs to be recognize that Indigenous individuals are stewards of the land. Some court cases may have to be looked at, as the Natural gas pipeline was in court prior to UNDRIP. There is a need to challenge past case laws and ensure UNDRIP articles are within. There is a need to be educated within environmental justice and have these concepts incorporated into traditional laws.
	Economic Development:	<ul style="list-style-type: none"> Revenue and resource sharing question about potential increase to treaty payments. UNDRIP may influence the present Annuity case, as the case is presently in stage 2 of a legal decision.
	Mining/Forestry:	<ul style="list-style-type: none"> Discussion of ensuring that First Nation communities are able to enforce mining restoration. Historical mining developments left mines that were closed, open and without restoration, thus impacting and jeopardizing lands, resources, harvesting and hunting, etc. Story telling of how the land has a spirit and when restoration is not completed, the spirit of land is being destroyed. Mining and pipelines are still being implemented and without informed consent.
	Agriculture and Farming:	<ul style="list-style-type: none"> A concern that there should be more focus on agriculture and farming.
	Housing:	<ul style="list-style-type: none"> Housing issues discussions involved needing more housing to eliminate systemic discrimination against families and child-welfare matters. In addition a deep worry surfaced about Elder/Seniors and Youth that need to be relocated into towns and cities due to lack of housing, whereas tiny homes can help keep and grow our First Nations. Housing regulations and codes are not all the same across the Anishinabek Nations, as well as level of education or training needed to develop housing and infrastructure.

	Other/Question /Concerns:	<ol style="list-style-type: none"> 1. Funding for programs or activities for lands, natural resources, economic development, agriculture and farming and housing were only one-time funding and not continuous. 2. Attention to the Jay Treaty was brought forth and a comment of concern of UNDRIP influencing the treaty. 3. A question about natural resources included why aren't First Nations planting hemp and utilizing natural resources such as windmills and solar energy. 4. Recognition that interpretations within Indian Act are interpreted differently by government and by Indigenous individuals, yet enforced through mainstream lenses and interpretations. 5. Concern brought forth that "rights of Indigenous people" need to be recognized as its interpretation and not only for government with companies that work within and on First Nations lands and traditionally owned lands. For example, Hydro companies, etc. 6. A discussion needs to occur about the need for capacity building; does Anishinabek First Nations need to have a central government or an authority division to implement these changes? 7. A request for Anishinabek Nation to organize a Citizen forum and invite Chief and Councils, First Nation Lawyers, First Nation academics and Citizens to discuss UNDRIP and ensure that all is part of process.
Concern	UNDRIP Article	Conflicting Legislation
<p>Concern in regards to lands within Federal authority include: how long additions to reserve take; amount of unsettled and un-asserted lands claims; inequity of the abundance of land and size of reserve land bases and associated poverty; aboriginal title to lands and lake beds; treaty entitlements including lands; land for economic development; destruction and contamination of medicinal plants and traditional food.</p> <p>First Nations that do not have a land code have to follow the Indian Act (40 sections of the Indian Act related to the management of land, resources and environment)</p>	<p>Article 10 – Relocation</p> <p>Article 19 – Consultation and Free, Prior Informed Consent</p> <p>Article 26 - Ownership, use, development and legal recognition</p> <p>Article 27- Process to adjudicate rights</p> <p>Article 28 - Redress, restitution and compensation</p> <p>Article 29 -Conservation and environmental protection</p> <p>Article 32- Development strategies, Free, Prior and Informed Consent (FPIC), redress</p> <p>Article 37 – Recognition, observance and enforcement of treaties</p>	<p>Federal Legislation</p> <ul style="list-style-type: none"> • First Nation Land Management Framework • Indian Act • Indian Act Regulations • Indian Act Amendment and Replacement Act • Indian Oil and Gas Act • Indian Oil and Gas Regulations • Emergencies Act • Nuclear Safety and Control Act • Nuclear Energy Act • Statutory Instruments Act • Impact Assessment Act • Federal Courts Act • The Canadian Environmental Protection Act • The Canadian Environmental Assessment Act 2021 • The Protection of Navigable Waters Act • Interest and Administrative Charges Regulations • First Nations Local Revenue Law Review Regulations • First Nations Fiscal and Statistical Management Act • Federal-Provincial Fiscal Arrangements Act • Human Rights Act • Canadian Charter of Rights and Freedoms • Public Service Rearrangement and Transfer of Duties Act



		<ul style="list-style-type: none"> First Nations Commercial and Industrial Development Act Canada Lands Surveys Act <p>Provincial Legislation</p> <ul style="list-style-type: none"> Ontario Planning and Development Act Provincial Parks and Conservation Reserves Act Great Lakes Protection Act Safe Drinking Water for First Nations Act
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Deer Doodemag (Clan)	Topic:	Discussion/Concern/
	Child Well-Being, Child Welfare	<ul style="list-style-type: none"> Jurisdiction matters need to be resolved, our First Nation children who are living in municipalities and/or cities are taking over cases and not notifying the First Nations. This is creating many challenges and barriers especially when First Nation Band Representatives are not notified and the children go to non-Indigenous foster care homes. <ul style="list-style-type: none"> The jurisdiction matters are also affecting our inherent rights as sovereign nations in regards to autonomy and self-determination. Non-Indigenous and Indigenous agencies are receiving funding to complete services, however, are not notifying First Nations when a child is in need of protection. Indigenous child welfare agencies are mandated by province to follow the provincial act, laws, regulations and policies. This includes utilizing mandated assessments that measure substantial risk of harms and risk of harms and many other areas of measurements. <ul style="list-style-type: none"> There are assessments that measure the number of times a family was involved in child welfare matters and the number of times a case was closed and how many times a child(ren) subsequently returns in the child welfare system. <ul style="list-style-type: none"> If Birth Alerts have been legislated to be cancelled, why is past child welfare matters still being captured and utilized against First Nation families? There is also an assessment called the Eligibility Spectrum that is designed to assist staff in making consistent and accurate decisions about a child receiving child welfare services. Every 180 days an update report needs to be provided on what services were offered to mitigate child apprehension, however, not all First Nation communities have received prevention funding and if they do are mandated to deliver according to the Indigenous agency who is designated and utilize their policies and procedures. Culturally appropriate and traditionally devised assessments that First Nation communities, Indigenous child welfare agencies created are not recognized by non-Indigenous agencies, the courts and the legislation. Levels of funding must match what non-Indigenous organizations are receiving, this also includes wage parities, costs per case, etc.

		<ul style="list-style-type: none"> ■ All areas have funding inequalities as compared to non-Indigenous; this includes foster care allowances for Indigenous as compared to non-Indigenous, Aging out of Care, Kinship families, Permanency or Adoption services. • There needs to have recognition of cultural differences and world views. • Often time's families are 'punished' for being in poverty. <ul style="list-style-type: none"> ■ Bill C-92 has been implemented but has not been fully enforced. Work is in progress to fully enshrine the legislation as First Nation communities and agencies will be able develop policies and laws based on their histories, cultural and circumstances. For instance; remote communities may have different and unique laws as compared to other First Nations. • Changes within legislation will have impact on our First Nation children, a legal analysis and anticipated impact on the definition and interpretation of risk of substantial harm and risk of harm needs to occur. • Post adoption services are not equal to what non-Indigenous child welfare agencies receive. Everything should be fair and consistent. • Circle processes that occur with Elders in regards to child welfare are not recognized by non-Indigenous agencies or within courts. • Children with high needs require services within the First Nations. For instance; autistic, FASD, trauma, addictions, mental health, etc. • Advocating to ensure funding is not time-limited for child-wellbeing programming, etc. • Attention to youth in care by adding more supportive services for youth transitioning out of care and re-integrating back into community and culture. • First Nation children whom are in care with non-Indigenous families need to ensure that there is no disconnect from First Nation community, culture or family. • Non-Indigenous child welfare agencies get funding to work with First Nation and Indigenous families and children and rarely connect these families/children back to their First Nation. • Funding for prevention services to help reduce overall overrepresentation in child welfare matters. • Recent news indicated that birth alerts were still being conducted in Thunder Bay and other cities even though province mandated to stop birth alerts.
	Social Development	<ul style="list-style-type: none"> • A need to advocate for social housing opportunities on First Nations and off the First Nations for families in immediate need when crisis occurs, for instance; domestic violence incidents. • Domestic violence interventions, many times the primary family care taker cannot fully support family because they had to take a leave (sick, stress, etc.) • Funding inconsistencies that set out clauses such as requirement to live "on-reserve" and have minimal services for community members living "off-reserve" • Ensuring that Indigenous traditional language is included and part of the recommended changes to legislation. • Establishing and advocating for funding to support data collection. • Supporting change and build systems to capture data to change legislation, regulations and policies. • Services should be offered in homes, as some individuals have transportation issues.
	Other social issues.	<ul style="list-style-type: none"> • Advocate to use generic terms on funding agreements to enhance understanding and compliance. • Legal opinion on what is present in regards to federal laws and provincial. <ul style="list-style-type: none"> • Pending situations, federal acts is not always recognized in matters of CYSA.



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		<ul style="list-style-type: none"> • Designation process • Mandated assessments still being enforced • Effects of Bill-C31, individuals who qualify for status reinstatement do not know how to get their rights back. There is also no services for this. This ultimately affects their chances of receiving dollars through the child welfare settlement. • First Nations who are not recognized and do not have a land-based also do not have access to funding for services. • First Nations have designed and worked with colleges to implement traditional and culturally appropriate certified programs for Midwives. Some hospitals will create a partnership with local First Nations and allow for First Nation protocols, however, not all will implement these processes and not recognize Indigenous Midwives. • Services need to be offered for families where CRA contests child tax benefit. This process is long and if family is on low income requesting all these documents are costly. A lot of families/mothers gave up child tax benefit because they didn't know what to do and didn't not have access to funding to help.
	Other/Question /Concerns:	<ol style="list-style-type: none"> 1. Funding for child welfare or social programs or activities that is yearly and not just "one-time". 2. Worries that they are more First Nation children in care now than there was in the residential school systems.
Concern	UNDRIP Article	Conflicting Legislation
Federal funding inequities for child and family services on the First Nations. This includes equal funding for adoption services, foster care, and prevention and protection child services for First Nation children living on the First Nation or off the First Nation. There is also jurisdiction concerns as children belonging to a First Nation are provided services by a non-Indigenous organization which implicates matters.	<p>Article 3 – Self-Determination</p> <p>Article 5 – Maintaining and strengthening distinct political, legal, economic, social and cultural institutions</p> <p>Article 7 – Security of the person/genocide</p> <p>Article 8 – Assimilation prevention and redress</p> <p>Article 11 – Cultural traditions and customs, redress</p> <p>Article 12 – Spiritual and religious traditions and objects</p> <p>Article 18 – Participation in decision making</p> <p>Article 20 – Maintaining and developing economic and social systems</p> <p>Article 21- Non-discriminatory improvement of conditions</p> <p>Article 22 – Needs of vulnerable groups</p> <p>Article 23 – Right to development</p> <p>Article 25 – Spiritual relationship to traditional territories</p>	<p><u>Federal Legislation</u></p> <ul style="list-style-type: none"> • Indian Act • Indian Act Amendment and Replacement Act • Safe Drinking Water for First Nations Act • Federal-Provincial Fiscal Arrangements Act • Human Rights Act • Public Service Rearrangement and Transfer of Duties Act • <p><u>Provincial Legislation</u></p> <ul style="list-style-type: none"> • Child, Youth and Family Services Act (CYFSA, 2017) • Safe Drinking Water Act •

Eagle Doodemag (Clan) 	Topic:	Discussion/Concern/
	Education	<ul style="list-style-type: none"> • There needs to recognition that education is not separate from our culture. • There should be par funding no matter if, on the First Nation or off the First Nation for education. • Each First Nation should be able to come up with their own funding for educational needs. • Post-secondary funding has many gaps that does not allow for individuals to fully commit to furthering education at higher levels. <ul style="list-style-type: none"> ■ Increase to living allowances; inflation went up. ■ Allow for free tuition or not utilize personal post-secondary funding to learn and bring back language. ■ There is such a lack of funding that many communities created priority levels to allow for individuals to further education, some individuals can wait up to five (5) years to be a priority. For instance; first priority- graduates from high school, second-individuals continuing into year 2 or 3, third, new applications, etc. ■ Does not allow for life learning, career changes or in-demand occupations. Many times, First Nations have projects that require certifications and/or licences and individuals cannot obtain the post-secondary funding for this, only impacting and creating unemployment rates in First Nations. • If there are no high schools within First Nations, students may attend high schools in nearby cities and a boarder allowance is provided to individual providing room. However, if a parent wants to move with child/teenager they is no means of funding to help. • First Nation children and teens who attend schools off the First Nation do not have same access to culturally appropriate programs or taught Indigenous traditions. • Remote First Nations are advocating to keep the children on the First Nation for school and not to remove them. • Needs consistency for on reserve education and within towns/cities to provide core services and programs such as breakfast program and/or cultural program. • There needs to be Indigenous representation on school boards, have First Nation trustees and representation in senior levels.
	Cultural	<ul style="list-style-type: none"> • A need for protection of our cultural, ceremonies and Indigenous knowledge. • Traditional medicines need to be protected such as cedar trees, maple trees, wild rice and wild animals. There is way more these are just examples. • Traditional pictographs are not being protected. These were how we first communicated or wanted to tell a story or teach a lesson. For instance; there are these kind of plants around the lake.
	Language	<ul style="list-style-type: none"> • Indigenous language should be prioritized over French, as the Indigenous language has been in Canada prior to French invasion. • Our Elders and others who speak fluent in Anishinaawabin languages are not recognized as bilingual. • Elders and others who are fluent also are not recognized to teach our languages. • In New Zealand; the Indigenous language is being revitalized by having all signs in the Indigenous language, Canada should have the Indigenous language on all signs.


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		<ul style="list-style-type: none"> Indigenous songs and names were one of the first words we heard, we need to re-learn these traditions. News articles indicate Indigenous language is disappearing, we should advocate for Indigenous language immersion schools. It is crucial to integrate language to early year's programs. Early years is our 0-6 years of age programming.
	Other/Question /Concerns:	1. Internet and technology needs upgrading for many First Nation communities. This impacts education for all community members, especially school aged children during COVID.
Concern	UNDRIP Article	Conflicting Legislation
Indigenous languages needs to be recognized within the Official Languages Act. Fluent speakers cannot pass on the language to students as there are provincial standards to teach. Indigenous children need proper access to technology as this impacts education.	<p>Article 5 – Maintaining and strengthening distinct political, legal,</p> <p>Article 7 – Security of the person/genocide</p> <p>Article 8- Assimilation prevention and redress</p> <p>Article 11 – Cultural traditions and customs, redress</p> <p>Article 12 – Spiritual and religious traditions and objects</p> <p>Article 13 – Histories, languages, philosophies transmittal and translation</p> <p>Article 14 – Educational systems, access to education</p> <p>Article 15 – Cultural diversity reflected in public education, promote tolerance</p> <p>Article 16- Right to establish media, non-discrimination, cultural diversity</p> <p>Article 24- Access to health and wellness services and traditional medicines</p> <p>Article 25- Spiritual relationship to traditional territories</p> <p>Article 31- Maintenance and protection of cultural heritage</p> <p>Article 34 – Institutional structures, judicial systems or customs</p> <p>Article 36 – Communities across borders</p> <p>Article 39 – Access to financial technical assistance</p>	<p>Federal Legislation</p> <ul style="list-style-type: none"> Indian Act Indian Act Amendment and Replacement Act Official Languages Act Safe Drinking Water for First Nations Act Federal-Provincial Fiscal Arrangements Act Human Rights Act Public Service Rearrangement and Transfer of Duties Act <p>Provincial Legislation</p> <ul style="list-style-type: none"> Education Act Simpler, Faster, Better Services Act Safe Drinking Water Act

Crane Doodemag (Clan) 	Topic: <i>Family Relations</i>	Discussion/Concern/ <ul style="list-style-type: none"> • There is disconnect in our families and communities due to colonialism and imposed child welfare systems. • Lateral violence in our communities and we need to have accountability measures in our communities for this. • Stigmas are embedded in our lives, there is stigmas around addictions which further perpetrates isolation. • There are still gaps in memberships that further creates disconnects in our families. • There should be bylaws in our communities for the war on drugs as it is impacting our families in regards to overdoses. • Elders allowed for input into processes to build cultural foundations in our communities. • There is racism in our policing services and health care services and needs to be fixed. • Families need proper health and social services, as not everyone can receive these services due to lack of funding and capacity. • Supports for families need to revamped, as some parents need to be taught how to be a parent. • Adoption was traditional and communities accepted this, now family relationships/kinships are damaged due to adoptions not being recognized. 						
	<i>Matrimonial Real Property</i>	<ul style="list-style-type: none"> • There is still gaps in the MRP such as no protection for non-members of a community. • Individuals are selling without permission. • Families and individuals need to leave their community or home because of the gaps. • Long term marriages, there is no protections for the husband or wife whom is not a member. • Cannot leave family land to grandchildren who are not considered members. • Some wills are considered incompetent and not enforced. 						
	<i>Youth</i>	<ul style="list-style-type: none"> • Youth – our voices have been shut down, how can we be taught to be leaders if our voices are shut down? • Learning to combat lateral violence is one solution for youth and our communities. • LGBTQ2S youth state sometimes leaders utilize transphobic or sexual comments which can create trust issues in our leaders. • Sexism still exist, our status cards are a form of this and they have expiry dates. • Youth need healing centers that offer before and after care; as when youth reach out for help, it usually needs to happen immediately. • There needs to be more prevention approaches from going down the wrong road. • Need land-based education within the provincial education standards for Indigenous youth. 						
	<i>Other/Question /Concerns:</i>	<ol style="list-style-type: none"> 1. Land claims are still not settled; still trying to understand how UNDRIP will help our people with this. 2. Property taxes while living off the First Nation should be reduced or exempt as we do have inherent rights. 						
<table> <tr> <th>Concern</th><th>UNDRIP Article</th><th>Conflicting Legislation</th></tr> <tr> <td>Ensuring that supports and resources are offered to families, children and youth who are suffering intergeneration traumas.</td><td> Article 5 – Maintaining and strengthening distinct political, legal, Article 7 – Security of the person/genocide Article 8- Assimilation prevention and redress </td><td> Federal Legislation <ul style="list-style-type: none"> • Indian Act • Indian Act Amendment and Replacement Act • Official Languages Act </td></tr> </table>			Concern	UNDRIP Article	Conflicting Legislation	Ensuring that supports and resources are offered to families, children and youth who are suffering intergeneration traumas.	Article 5 – Maintaining and strengthening distinct political, legal, Article 7 – Security of the person/genocide Article 8 - Assimilation prevention and redress	Federal Legislation <ul style="list-style-type: none"> • Indian Act • Indian Act Amendment and Replacement Act • Official Languages Act
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<p>Turtle Doodemag (Clan)</p> 	Topic:	Discussion/Concern/
	<p>Decision Making</p> <p>Law Making</p>	<ul style="list-style-type: none"> • Community members not aware that we have inherent rights to make decisions and not believing we can due to impacts of colonialism, discrimination, and racism that was imposed upon us. • There is difficulties implementing bylaws and laws in communities as there is not a lot of ‘buy in’ from the community. <ul style="list-style-type: none"> • Educating community about implementing bylaws and laws but many times there is no funding to complete this. For instance; potlucks, gatherings, etc. • Recognition of our traditional cultural governance systems in our communities and in the legal systems. • Maintain working relationships with legal systems to help implement processes and inherent rights. • In regards to adoptions within our communities, first of all it is a positive that many people want to be a First Nation individual but when we have adults who are fifty and sixty trying to be adopted just to obtain a status card. There should

		<p>be proper laws or community processes that do not allows this. This just creates a mockery out of our traditional cultural adoption approaches.</p> <ul style="list-style-type: none"> • Citizenship and membership laws should be created in all communities. Individuals who want to be part of our First Nations should be questioned, what are you giving back to our community? How do you fit within our clan systems? And a healing plan to work through displacement issues.
	Justice	<ul style="list-style-type: none"> • Correctional institutes all have different rules, many jails won't allow for cultural activities and traditions for our First Nation inmates such as naming ceremonies, sweats, etc. • Individuals do not know their legal rights and may just take a sentence instead of getting assistance from legal aide. • Indigenous courts should be implemented across all communities to create equality for our individuals. <ul style="list-style-type: none"> • We should be looking at models such as Lakota Nation and what's working and what is not working. • Lawyers who have been mandated through legal aide are not entirely helping our First Nations members. Many times they are quick to close a case and are not fully advocating for our First Nation members. <ul style="list-style-type: none"> • They also been known to utilize services, doctors, forensics experts whose testimonies, evidence and reports and have been found to demonstrate clear racism. Yet they are still utilized and accepted as evidence. • Communities need to assert jurisdiction, as some of our community members are not being offered legal services and conflict arises of who is going to help, municipalities, city or First Nation. • Statistics and data on First Nation members, why are non-Indigenous organizations profiting on our statistics, data and over-representations? <ul style="list-style-type: none"> • Statistics are being captured when lawyers and courts have cases that are granted mitigating sentences and repeat offenders. • These statistics and data are being utilized and studied to try to decrease overrepresentation by governments, non-Indigenous organizations, however, overrepresentations are only increasing. First Nations are not being involved in solutions and colonization ways and processes are still the fore front of decision-making and law-making for our First Nation people.
	Gladue	<ul style="list-style-type: none"> • Funding should be offered to all communities to implement Gladue and pre-charge and/or post charge diversion programs. • Self-identifying is creating conflict and confusion. Some individuals are utilizing the self-identifying as a way to attain Gladue but are not and may not be Indigenous. Many individuals who have been displaced or enfranchised are confused with their identity and may not be Indigenous or may only have ten percent of a blood quantum. • Gladue is not a restorative justice approach; the Gladue process starts too late. There should be preventative approaches at the front end, such as pre-charge diversions. • Gladue is mandated and never had an Indigenous lens instilled. Was there any consultation from our First Nations? • Gladue was forced upon us from the courts, another imposed colonial system. • The Gladue process is not trauma informed, it re-traumatizes our individuals. Gladue case managers and writers often experience trauma from hearing the stories that our individuals went through. <ul style="list-style-type: none"> • Some of our individuals will take the two plus years of incarceration to avoid the Gladue process and the questions involved.

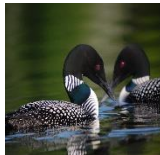


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		<ul style="list-style-type: none"> Gladue reports are deemed confidential but courts are open to public and many times these Gladue reports are read out loud and leaves the individual feeling embarrassed, shamed, humiliated, and degraded, as they were promised this report was confidential. Gladue does not provide exceptional training. The training offered is Ad hoc, meaning just informal and completed by internal staff who may have the most experience. However, with the re-traumatizing and Gladue writers and case managers being traumatized there is a high turnover and the longest staff who can survive completes the training to new staff.
	Restorative Justice	<ul style="list-style-type: none"> Some communities have implemented restorative justice models however, this area is new to many of our communities and cannot be offer to all communities due to lack of funding and capacity. Healing plans need to be recognized in the legal systems, especially when there is a focus on immediate services such as attending treatment or when the First Nation can offer traditional employment such as working in the sugar bush or working in the bush and on the land or in the waters. Our healing plans that are brought forth are not always recognized and are often questioned. Cultural traditions are coming back such as utilizing sweat lodges or Miidaaiwaan lodges, yet there is a need to advocate that cultural approaches cannot be mandated by the courts. Many restorative justice programs are not offered to First Nation individuals, municipalities, towns, cities will not contact their First Nation to request help and if they do, we have no help to offer due to lack of support for the restorative justice models and no funding.
	Other/Question /Concerns:	<ol style="list-style-type: none"> Self-identifying was brought about through colonial dynamics and instilled upon us, however, how do we break out of these imposed colonial dynamics that we see, not only in self-identifying but in Gladue as well. Gladue was never consulted, it was created by the courts and imposed on us, and perhaps that's why it's not working. Treaty 20 area is only recognized by provincial government and not federal government. This is a backwards approach and has disadvantages and advantages. The disadvantages are keeping these communities from fully being implemented with proper services. The justice system especially when involving First Nations/Indigenous individuals is a commodity. Some municipalities and communities are solely based on being employed in a correctional or justice system. If First Nations create our own institutions and have more Indigenous representation working in the correction/justice institutes, we are dismantling social and judicial economics for non-Indigenous individuals. Tribal councils sometimes create conflict in our communities, why are these services at a tribal council level? How do we advocate to bring these services to the community level? Many conflicts of interest arise.

Concern	UNDRIP Article	Conflicting Legislation
Ensuring that First Nations laws are enforced and having resources to properly help reduce Indigenous incarceration rates.	<p>Article 1 – Individual and collective rights</p> <p>Article 2 – Equality and Non-Discrimination</p> <p>Article 3- Self-Determination</p> <p>Article 8 – Assimilation and prevention and redress</p> <p>Article 18 – Participation in decision making</p>	<p>Federal Legislation</p> <ul style="list-style-type: none"> Indian Act Indian Act Amendment and Replacement Act Federal-Provincial Fiscal Arrangements Act Criminal Code of Canada Youth Criminal Justice Act Controlled Drugs and Substance Act

	<p>Article 20 – Maintaining and developing economic and social systems</p> <p>Article 21 – Non-discriminatory improvement of conditions</p> <p>Article 22 – Needs of vulnerable groups</p> <p>Article 23 – Right to development</p> <p>Article 27 – Process to adjudicate rights</p> <p>Article 34 – Institutional structures, judicial systems or customs</p> <p>Article 35 – Responsibility</p> <p>Article 38 – Measures to achieve ends of Declaration</p> <p>Article 40 – Conflict resolution, access to prompt, fair decision</p> <p>Article 44 – Gender equality</p> <p>Article 45 – No Diminishment of Rights</p>	<ul style="list-style-type: none"> • Contraventions Act • Privacy Act • Access to Information Act • Public Service Employment Act • Human Rights Act • Canadian Victims Bill of Rights Act • Corrections and Conditional Release Act • Public Service Rearrangement and Transfer of Duties Act <p>Provincial Legislation</p> <ul style="list-style-type: none"> • Freedom of Information and Protection of Privacy Act • Police Services Act • Policing Oversight Act • Ontario Policing Discipline Tribunal Act • Ontario Special Investigations Unit • Consequential Amendments • Missing Persons Act • Corners Act • Forensic Laboratories Act • Use of Force Regulation • Equipment and Use of Force • Adequacy and Effectiveness of Police Services • Anti-Racism Act • Ontario Human Rights Act
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Loon Doodemag (Clan)	Topic:	Discussion/Concern/
	<i>Equality and Discrimination</i>	<ul style="list-style-type: none"> • The UN declaration are only our minimum human rights and are not implemented. • Many non-Indigenous organizations are utilizing Indigenous statistics to gain funding. For instance; submitting the number of First Nation, Inuit, and Metis individuals they serve and also including individuals who self-identify as Indigenous. • Services for employment, health, justice, etc. that are offered in municipalities/cities are not offered in the First Nations. • With First Nations having transportation issues and not being treated equally creates barriers to services for First Nation individuals. • First Nations are rarely offered consultations, however, it is a requirement for governments. • Indigenous organizations receive funding for individuals who self-identify as Indigenous, however, this is not offered to First Nations. Many First Nations have community members who belong to other First Nations or are Metis, non-status or just whom self-identify, First Nations can be supporting these individuals however are not offered this funding.



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	<i>Wills and Estates</i>	<ul style="list-style-type: none">How can we legally will CP lands to family members who are not members of the First Nation. I would like to leave or find a way to have my family stay on the land I have in the First Nation.
	<i>Employment and Labour</i>	<ul style="list-style-type: none">Employment income when working remotely and on the First Nations during COVID, there is some misunderstanding as we should be exempt from taxes.Confusion about Indian Acts definition of normally living off the reserve.Unequal funding and wage disparities in all sectors of government.A common key message is that since First Nations and some organization that operate on the FN are exempt from taxes, the funding is therefore lower to reflect the exemption from taxes. Therefore wage disparities and unequal funding occur.The wage and funding inequalities is in all of our departments, a water technician on the First Nation wages is about \$15.00 to \$22.00 an hour whereas Water Technicians who work for municipalities/cities earns \$40 to \$60 an hour.Governments have First Nation communities competing for inadequate funding on an annual basis.It is unreasonable to be approved for funding in April and First Nations do not receive it until September. Then get questioned and audited and asked why it wasn't spent or why it was spent this way.Many times governments will also offer unspent funding to First Nations in December and it needs to be spent by March 31st. This leaves staff and employees struggling to get it spent and creates unhealthy work atmosphere. Many staff get anxiety to get all this work completed within three months.First Nation organizations have high turnover rates due to lower wages and not being able to offer competitive benefits to keep employees.Many First Nations do have the capacity to gain funding, and are often unaware of funding opportunities.First Nations often find out about funding opportunities well after it has been offered.First Nations have difficulties with partnerships, many non-Indigenous organizations do not offer or want to work in partnership with First Nations and organizations.First Nations should be able to develop our own labour laws where we can remove discrimination.First Nations do not get the same opportunities and funding agreements as non-Indigenous organizations and many of these services and funding is offered to immigrants.
	<i>Human Rights</i>	<ul style="list-style-type: none">Indigenous Human rights cases should be gathered so that First Nations can start to develop and strengthen laws.Intertwining case laws, UNDRIP and First Nations cultural, values and customs will benefit FN law development and policies.
	<i>Other/Question /Concerns:</i>	<ol style="list-style-type: none">Citizen laws can be made by each First Nation.In general an overarching question, why are we as First Nation individuals worth less?Within this session, there was a recommendation that there be an Indigenous Advisory Council to ensure that when UNDRIP moves forward with implementation, the council can ensure accountability measures are in place and being followed.
Concern		
Ensuring that all discrimination is removed from all legislation, regulations and policies. Advocate for fair and equitable funding and	UNDRIP Article	Conflicting Legislation
	Article 1 – Individual and collective rights Article 2 – Equality and Non-Discrimination	Federal Legislation <ul style="list-style-type: none">Indian ActIndian Act Amendment and Replacement Act

resources as compared to non-Indigenous agencies/organizations.	<p>Article 4 – Self-determination</p> <p>Article 6 – Nationality</p> <p>Article 7- Security of the person/genocide</p> <p>Article 9 – Belong to community</p> <p>Article 15- Cultural diversity reflected in public education, promote tolerance</p> <p>Article 16 – Rights to establish media, non-discrimination, cultural diversity</p> <p>Article 17 – Labour Law</p> <p>Article 21 – Non-discriminatory improvement of conditions</p> <p>Article 22 – Needs of vulnerable groups</p> <p>Article 34 – Institutional structures, judicial systems or customs</p> <p>Article 33 - Membership</p> <p>Article 35 – Responsibility</p> <p>Article 39 – Access to financial technical assistance</p> <p>Article 41 – UN system contribution</p> <p>Article 42 – UN promotion of the Declaration</p> <p>Article 44 – Gender Equality</p> <p>Article 45 – No Diminishment of Rights</p> <p>Article 46 – Respect rights of all and state sovereignty</p>	<ul style="list-style-type: none"> • Official Languages Act • Safe Drinking Water for First Nations Act • Federal-Provincial Fiscal Arrangements Act • Privacy Act • Access to Information Act • Public Service Employment Act • Public Service Rearrangement and Transfer of Duties Act • Human Rights Act <p>Provincial Legislation</p> <ul style="list-style-type: none"> • Education Act • Simpler, Faster, Better Services Act • Safe Drinking Water Act
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Bear Doodemag (Clan) 	Topic:	Discussion/Concern/
	Policing	<ul style="list-style-type: none"> • Policing, especially in the cities and RCMP have discrimination within their forces. Although RCMP has fast tracked Indigenous individuals for recruitment, there is still discrimination ingrained within the organization. • Policing is still not viewed as essential services for First Nations, it is still considered a program.
	Military	<ul style="list-style-type: none"> • Military should strategies to recruit First Nation individuals again.
	Health	<ul style="list-style-type: none"> • There is very little support from the majority of hospitals for cultural values and norms. Smudging cannot be completed and cedar baths are often questioned. • Recent news had various articles about discrimination; the Ambulance would not attend a First Nation and the Indigenous women in Quebec who lived streamed treatment.



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		<ul style="list-style-type: none"> • Health coverage only covers generic medications; there is still conflict of who should be paying, employee benefits first or FNIHB. • FNIHB does not always provide payment when status First Nations are out of province or out of territory. • There should be accountability on all services within the health sector, especially in regards to discrimination. Can we implemented fines or forms of penalties within legislation when this occurs? • Traditional medicines should be recognized in the health care system. • First Nations should have health services in all communities including doctors. • Why don't Indigenous individuals just get equitable care? We are always hiring lawyers
	Other/Question /Concerns:	<ol style="list-style-type: none"> 1. The Indian Act should be abolished; it is not right that it exists, however, there is an understanding that this Act intertwines with the treaties. 2. Indigenous based sensitivity training should be mandatory for all services; health and policing. 3. Media plays a big part in reinforcing discrimination and racism. 4. Status cards; why do they expire and why is it so hard for individuals living off the FN to obtain one. It is very confusing and takes up to 16 weeks.
Concern	UNDRIP Article	Conflicting Legislation
First Nation policing is not recognized as an essential service and there is no fair and equitable funding as compared to non-Indigenous policing agencies. Health inequalities has immense concerns for Indigenous individuals.	<p>Article 7 – Security of the person/genocide</p> <p>Article 20- Maintaining and developing economic and social systems</p> <p>Article 21- Non-discriminator improvement of conditions</p> <p>Article 22- Needs of vulnerable groups</p> <p>Article 23 – Right to development</p> <p>Article 24 - Access to health and wellness services and traditional medicines</p> <p>Article 29 – Conservation and environmental protection</p> <p>Article 30 – Military activities</p> <p>Article 31 – Maintenance and protection of cultural heritage</p> <p>Article 40 – Conflict resolution, access to prompt, fair decision</p> <p>Article 43 – Minimum standards</p>	<p>Federal Legislation</p> <ul style="list-style-type: none"> • Indian Act • Canadian Charter of Rights and Freedoms • Official Languages Act • Safe Drinking Water for First Nations Act • Federal-Provincial Fiscal Arrangements Act • Human Rights Act • Canada Health Act • Canada Health Care, Early Childhood Development and Other Social Services Funding Act • Public Health Agency of Canada Act • Public Service Rearrangement and Transfer of Duties Act • Military Police Professional Code of Conduct <p>Provincial Legislation</p> <ul style="list-style-type: none"> • Police Services Act • Policing Oversight Act • Ontario Policing Discipline Tribunal Act • Ontario Special Investigations Unit • Consequential Amendments • Missing Persons Act • Corners Act • Forensic Laboratories Act • Use of Force Regulation

		<ul style="list-style-type: none">• Equipment and Use of Force• Adequacy and Effectiveness of Police Services• Anti-Racism Act• Ontario Human Rights Act
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Conclusion

All recommendations are intended to support changes in federal legislation that addresses Indigenous specific discrimination and to uphold human rights. The Legal Department also ensured that all Anishinabek citizens were able to view all the engagement sessions and posted all videos on the Anishinabek Nations YouTube channel. There were also various news articles that provided summaries of the engagement sessions on Anishinabek News.

The Legal department also had the support of four of the regions through; Lake Huron Region, Northern Superior Region, Southeast Region and Southwest Region. Each region provided a Resolution to support the United Nations Declaration on the Rights of Indigenous People Report to the federal government. Anishinabek Nation citizens who participated, the Legal Department is very grateful for your feedback, opinions, personal and/or collective narratives. This information will help to guide, improve, resolve and address the wrongdoings of the past to support federal legislative changes.



Appendix

Anishinabek News

1. Anishinabek Nation to host virtual engagement sessions on UNDRIP – July 11th, 2022
 - <https://anishinabeknews.ca/2022/07/11/anishinabek-nation-to-host-virtual-engagement-sessions-on-undrip/>
2. Anishinabek Nation hosts inaugural UNDRIP engagement session – August 2nd, 2022
 - <https://anishinabeknews.ca/2022/08/02/anishinabek-nation-hosts-inaugural-undrip-engagement-session/>
3. Latest Anishinabek Nation UNDRIP engagement session explores social issues – August 10th, 2022
 - <https://anishinabeknews.ca/2022/08/10/latest-anishinabek-nation-undrip-engagement-session-explores-social-issues/>
4. Education a key priority discussing during latest Anishinabek Nation UNDRIP engagement session – August 24th, 2022
 - <https://anishinabeknews.ca/2022/08/24/education-a-key-priority-discussing-during-latest-anishinabek-nation-undrip-engagement-session/>
5. Stigma and lateral violence further perpetuate negative social behaviours conclude participants of UNDRIP Act session – September 7th, 2022
 - <https://anishinabeknews.ca/2022/09/07/stigma-and-lateral-violence-further-perpetuate-negative-social-behaviours-conclude-participants-of-undrip-act-session/>
6. Incarceration rates are still increasing: is the criminal justice system, restorative justice, and Gladue working? – October 5, 2022
 - <https://anishinabeknews.ca/2022/10/05/incarceration-rates-are-still-increasing-is-the-criminal-justice-system-restorative-justice-and-gladue-working/>
7. Discrimination in the labour market a point of concern during UNDRIP virtual engagement session – October 12th, 2022
 - <https://anishinabeknews.ca/2022/10/12/discrimination-in-the-labour-market-a-point-of-concern-during-undrip-virtual-engagement-session/>
8. Bear Clan
 - <https://anishinabeknews.ca/2022/11/02/grassroots-feedback-from-undrip-virtual-sessions-to-drive-recommended-federal-legislative-changes/>

Anishinabek Nation YouTube Channel

1. Legal Department UNDRIP playlist (7 sessions)
 - <https://www.youtube.com/watch?v=VYczLnmwmTE&list=PLaQ0wUvBUPEt1XcjBHSfRvzsxNG9Jn8Wi>

Anishinabek Nation website

1. Anishinabek Nation Legal Department
 - <https://www.anishinabek.ca/departments/legal/undrip/>