



Chiefs of Ontario

Summary Briefing Package for New Chief, Council & Technicians: Justice Sector Overview

Introduction: The Justice Sector at the Chiefs of Ontario is tasked with coordinating both the technical and political priorities of First Nations Leadership on justice-related matters. The sector's primary focus is on nurturing and strengthening relationships with First Nations and their organizations while ensuring stable and dependable operations. This briefing offers a high-level overview of the Justice Sector's current priorities and projects.

Annual Report (2025-2026)

Key Priorities:

1. **Consultation and Engagement Standards:** Developing updated potential solutions to the substandard consultation and accommodation practices of Canada, Ontario, and industry, in ways that respect First Nations laws, Treaties, and require First Nations consent.
2. **Enforcement & Prosecution of First Nations Laws:** Addressing enforcement and prosecution gaps, prioritizing community safety, and advancing First Nations rights and policing.
3. **First Nations Citizenship:** Advocating for First Nations authority over who is registered under federal law, for funding frameworks to adequately reflect the work needed to maintain band lists and membership laws, and the elimination of the Section 10 voting threshold.
4. **Heritage & Burials:** Advocacy of policy and legislative reform that would increase protections to First Nations sacred and burial sites and the repatriation of First Nations Ancestors and sacred items.
5. **Indian Residential Schools:** Coordinating support and advocacy for the implementation of the obligations of the Office of the Independent Special Interlocutor (OISI), as they relate to the search for missing children and unmarked burials.
6. **Rights Assertions:** Ongoing implementation of advocacy strategies to address rights assertions in First Nations Ancestral and Treaty territories.

Committees:

1. **Chiefs and Technicians Committee on Justice:** Provides direction and feedback on a range of justice-related matters.
2. **Kee:Way (Heritage & Burials) Committee:** Focuses on repatriation of Ancestors and sacred items, protecting sacred sites, and advocating for policy and legislative reform.
3. **Technical Committee on Rights Assertions:** Supports First Nations in asserting their Inherent and Treaty rights and opposing claims which infringe on those rights.
4. **Debwewin Enkiitmajig Working Group on Indian Residential Schools & Related Institutions:** Coordinates regional representatives dedicated to advancing initiatives related to this sacred work, while guiding and collaborating on how we fulfill our mandates in a good way.

Highlights:

1. **Duty to Consult:** Supporting First Nations capacity while responding and navigating consultation and engagement processes and advancing Free Prior and Informed Consent (FPIC) standards and expectations.
2. **Federal Policing:** Advocating for the recognition of First Nations policing as an essential service and enhancements under the First Nations Policing and Inuit Program (FNIPP).
3. **First Nation Citizenship:** Advocating for First Nations' full authority over who is registered under federal law, and for funding frameworks to adequately reflect the work needed to maintain band lists and membership laws.
4. **Heritage & Burials:** Supporting the repatriation of Ancestors and advocacy for legislative and policy reform regarding the protection of sacred sites.
5. **Provincial Policing:** Advocating for the enforcement of First Nations laws to be included in the list of mandatory policing functions under provincial policing legislation. In addition, supporting the coordinated and collective priorities of First Nations policed under the Ontario First Nations Policing Agreement (OFNPA).
6. **Rights Assertions:** Opposing false Métis claims in First Nations territories and the colonial governments' recognition of the Métis Nation of Ontario, while asserting First Nations' jurisdiction.
7. **The Tripartite Collaborative Technical Table on the Enforcement and Prosecution of First Nations Laws:** Advancing mandated priorities related to the consistent and reliable enforcement and prosecution of First Nations laws.

8. **UNDRIP Act:** Supporting interested First Nations' engagement with the federal Action Plan of the *United Nations Declaration on the Rights of Indigenous People's Act* (UNDA).

Future Plans:

1. Monitor the enforcement and prosecution litigation, while advocating for the advancement of the tripartite work mandated of the Collaborative Table, and policing initiatives of the federal government.
2. Support the implementation of the recommendations from the OFNPA Mental Health Review.
3. Develop further resources, capacity supports, and networks to improve substandard consultation and engagement practices and processes to better reflect the standards and expectations of First Nations.
4. Maintain momentum on policy and legislative reform in the heritage and burials space and provide technical support to First Nations during the Ministry of Citizenship and Multiculturalism's Heritage Framework Transformation and Return of Ancestors Initiative.
5. Expand relationship building with all levels of governments, museums, and other institutions to increase repatriation capacity for First Nations in the Ontario region.
6. Support First Nations' healing journeys as we engage all levels of government to advance the four Indian Residential School priority pillars: OISI Final Report implementation, records protection, funding reform, and combating denialism.
7. Implement the ongoing advocacy strategy to support First Nations as they assert their Inherent and Treaty rights over their Ancestral and Treaty territories.
8. Advance advocacy aligned with our mandates related to First Nations' jurisdiction over their citizenship.
9. Facilitate information sharing on the implementation progress of the UNDA Action Plan and provide ongoing support to interested First Nations.

Below is a brief summary of each priority. Further information can be found on the website [here](#).

Consultation and Engagement Standards

The consultation and engagement processes between First Nations and federal/provincial governments is mandated by Article 19 of the UN Declaration on the Rights of Indigenous Peoples. Resolution 06/45 tasks the Chiefs of Ontario with this duty, building upon Resolution 05/45 which emphasized the need for consultation protocols. Resolutions 06/44 and 05/45 underpin broader advocacy and support efforts.

Resolution 21/39 mandates the Chiefs of Ontario and the Justice Committee to develop updated solutions for the inadequate consultation practices of Canada and Ontario. It supports respect for First Nations laws and Treaties, collaborative decision making, and consent. In collaboration with the Justice Committee, Leadership Council, and First Nations organizations, we have developed documents such as the *Minimum Standards and Principles* and the *Engagement Checklist* to support the documentation of First Nations' expectations for consultation and engagement. These documents outline key sample principles and obligations during consultation, but First Nations' protocols take precedence in all cases. The Chiefs of Ontario always reminds the colonial governments that we are not a rights-holder in consultations unless mandated otherwise.

This year, the Justice Sector developed further resources to support First Nations engagement with government and industry proponents. These resources include:

- **Consultation protocol templates (federal, provincial, and industry)**
 - This template is intended to assist in developing a consultation protocol that can be used during consultation processes with proponents.
- **Standard consultation response letter template**
 - This template is intended to assist in developing a response to exploration activities and other prospective projects.
- **Template response to meeting requests**
 - This template is intended to assist in developing a response to a request for a consultation meeting.
- **Template response for request for funding**
 - This template is intended to assist in developing a request for funding.
- **Template response for requests for additional information**
 - This template is intended to assist in developing a letter requesting further information related to a proposed consultation or engagement.
- **Information toolkit on impact-benefit agreements**
 - This toolkit's intended purpose is to provide important information on impact-benefit agreements to help support First Nations on proper compensation for impacts to their rights.
- **Information toolkit on exploration agreements**

- This toolkit's intended purpose is to provide important information on exploration agreements to help support First Nations on developing mutually beneficial, co-operative relationships with proponents.

These documents are for First Nations Leadership and technicians use only and therefore are not publicly accessible. They can be accessed by contacting the Justice Sector or through the COO Chiefs Portal being launched soon.

Diverse new approaches for this file are being considered. The Justice Committee suggested developing a solutions model, including toolkits and an information-sharing network, to respond to pervasive capacity constraints experienced by communities, and further discussions were held with the Provincial Territorial Organizations for regional feedback. Funding has been secured from the Government of Canada to resource this work and for the retention of legal and academic experts to support our approach.

Read more on landmark and recent court decisions regarding consultation below:

[Haida Nation v. British Columbia](#)

[Mikisew Cree First Nation v. Canada](#)

[Yahey v. British Columbia](#)

[Iskatewizaagegan No.39 Independent First Nation v. City of Winnipeg & Ontario](#)

[Kitchenuhmaykoosib Inninuwug First Nation v. Platinex Inc.](#)

[Kebaowek v. Canadian Nuclear Laboratories \(in appeal\)](#)

Heritage and Burials

Indian Residential Schools

In accordance with Resolution 14/10A, the Justice Sector received several mandates to advocate for the continuance and expansion of the Office of the Independent Special Interlocutor on Missing Children and Unmarked Graves and Burial Sites (OISI). This advocacy includes the need for First Nations to receive the funding, support, resources, records, and other identified requirements to support their healing journey.

The Justice Sector is further mandated with coordinating support and advocacy for the implementation of the recommendations of the OISI, as they relate to the search for missing children and unmarked burials.

The Justice Sector has been focused on working collaboratively with the Debwewin Enkiitmajig Working Group to advance this sacred work in a good way. To ensure a focused and strategic approach, we have worked together to organize our priorities into four central pillars: (1) supporting the implementation of the Final Report by the Office of the Independent Special Interlocutor (OISI), (2) strengthening the protection and governance of records, (3) reforming funding systems, and (4) addressing and combating Indian Residential School (IRS) denialism.

This year, the Justice Sector was also focused on advancing amendments to Bill C-9: An Act to Amend the Criminal Code. This included proposed amendments aimed at criminalizing Indian Residential School denialism, and the protection of sacred sites.

For further resources and contact information, please visit the COO Indian Residential School Information and Resources webpage [here](#).

Kee:Way Committee

In November 2012, First Nation Leadership mandated the establishment of a First Nations Burial and Heritage Site Advisory Committee that brings together Knowledge Keepers and First Nations technical experts to provide guidance on issues related to the handling, transfer, and repatriation of Ancestors (remains) and sacred items and artifacts to the Nations to whom they come from. The Committee also advises on strategies to protect First Nations sacred and burial sites. Since then, Chiefs of Ontario has been supporting the Kee:Way Committee, which is responsible to and receives direction from First Nations Leadership to advise, guide, and support repatriations and related heritage and burials priorities as identified through resolutions. “Kee:Way” is a Lenape and Anishinaabe word meaning *Bringing Our Ancestors Home*.

The Kee:Way Committee is presently working on the repatriation of Ancestors and sacred items and from various holding facilities from the Ministry of Citizenship and Multiculturalism and the Office of the Chief Coroner while also working on strengthening processes and respecting community approaches. The Committee is also monitoring and responding to Ontario’s Heritage Framework Transformation.

Read more [here](#).

Policing and Community Safety

Enforcement and Prosecution of First Nation Laws

The lack of consistent and reliable enforcement and prosecution of First Nations laws led to the establishment of the Tripartite Collaborative Technical Table on the Enforcement and Prosecution of First Nation Laws in 2021, aiming to identify obstacles and develop recommendations for consistent enforcement and prosecution

of First Nations laws. From this Technical Table emerged the First Nations Prosecution Pilot, which is a co-funded initiative by Canada and Ontario in response to Resolution 21/37, to support interested First Nations in retaining private lawyers to prosecute infractions of their laws. Although initially a two-year pilot program launched in 2023, it has been extended until March 2027. The Justice Sector continues to advocate for its expansion, improvement, and permanent establishment.

In June 2023, Ontario Chiefs-in-Assembly passed Resolution 23/10A mandating a series of demands for the Governments of Canada and Ontario to address the lack of enforcement and prosecution of First Nations laws as previous work to address this issue with Ontario and Canada have gone unanswered. These mandates are being advocated for by COO in various forum and avenues.

In May 2024, and in accordance with COO Resolution 23/17S, Chiefs of Ontario commenced legal action against the Governments of Canada and Ontario regarding the discriminatory lack of enforcement and prosecution of First Nations laws. The Justice Sector provides timely updates to Leadership on the status of this litigation.

Read more [here](#).

First Nations Policing

Canada introduced the First Nations and Inuit Policing Program (FNIPP) in 1991 to provide funding for policing services in Indigenous communities through tripartite agreements among First Nations and federal and provincial governments. The Justice Sector has an expanded mandate related to its advocacy for First Nations policing to be designated as an essential service and amendments to the FNIPP.

A 2019 report highlighted persistent gaps in policing services. In response, the Government of Ontario passed the *Community Safety and Policing Act* (CSPA, 2019) with the option for First Nations to align with provincial policing standards and mechanisms. Unfortunately, on April 1, 2024, the CSPA was brought into force with discriminatory provisions that explicitly excludes First Nations laws from mandatory police functions. Due to this racist provision and other gaps that weaken the enforcement and prosecution of First Nations laws, the Chiefs of Ontario initiated legal action against Canada and Ontario on May 7, 2024, as mandated by Resolution 23/17S.

In Ontario, there are various policing models, including self-administered services, the Ontario First Nations Policing Agreement (OFNPA), Stream 2/Community Tripartite Agreements, and direct OPP Policing. The Justice Sector provides ongoing coordination and policy support for First Nations policed under these various policing models. In particular, we offer coordinated support for the OFNPA Chiefs and Delegates, assisting with the implementation of recommendations from a police officer Mental Health Survey with Calibrate Solutions, and providing policy support for agreement negotiations and other collective issues.

In 2020, Canada committed to co-developing legislation with the AFN to designate First Nations policing as an essential service. Continued advocacy is a priority for the COO Justice Sector to have this commitment recognized by advancing regional priorities.

In addition to providing ongoing support for agreement negotiations and other collective issues for the 17 First Nations policed under the OFNPA, COO hosts regular meetings with the Chiefs and Delegates including in Ottawa in December 2025 and at Casino Rama in January 2026. The topics discussed include the implementation of recommendations from their Mental Health Review, and strategies related to the developments and priorities emerging this year related to transitions and negotiations.

Read more [here](#).

Rights & Jurisdiction

First Nations Citizenship

In accordance with Resolution 25/23S: *Advancing First Nations Jurisdiction Over Citizenship in Response to Bill S-2*, the Justice Sector advocates for First Nations full authority over citizenship and who is registered under federal law. It remains imperative that this authority not remain with the federal government if true reconciliation is to be achieved. The Justice Sector is further mandated to advocate for the federal government to implement funding frameworks that adequately reflect the work needed to maintain band lists and membership laws and for the federal government to eliminate the Section 10 voting threshold. The Justice Sector is commencing bi-lateral discussions with Canada to urge them to adopt these important directives.

Métis Rights Assertions in First Nations Ancestral and Treaty Territories

Métis rights assertions in the Ontario region continue to present significant legal, policy, and jurisdictional challenges. While Métis rights are acknowledged under section 35 of the *Constitution Act, 1984*, First Nations in the Ontario region have raised significant concerns regarding the rights assertions advanced by the Métis Nation of Ontario (MNO). First Nations reject the notion that distinct “Métis communities” existed historically throughout Ontario, maintaining that the MNO’s claims lack historical validation and infringe upon First Nations’ inherent and treaty rights. Chiefs of Ontario has terminated previous collaborative protocols with the MNO and continues to advocate for rigorous due diligence and verification before governments or proponents engage with MNO rights assertions.

Read more [here](#).

Opposition to Governments' Pan-Indigenous Approach

Opposition to the pan-Indigenous approach adopted by the Governments of Canada and Ontario is rooted in the principle of recognizing and prioritizing the distinct Inherent, Aboriginal, and Treaty protected rights of First Nations. First Nations continue to face ongoing challenges as a result of being required to compete for funding and resources with Inuit and Metis organizations under a pan-Indigenous framework. Resolutions passed by the Chiefs of Ontario underscore our firm stance against this approach, calling for the immediate cessation and the development of separate, First Nations-led approaches that address their unique rights and priorities. This opposition is driven by the infringements on First Nations' rights to land, exercise of governance, and the rights to resources, which are all critical to the ongoing struggle to uphold the sovereignty and integrity of First Nations in Ontario.

Read more [here](#).

The United Nations Declaration on the Rights of Indigenous Peoples Act

The *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA), also known as Bill C-15, represents a pivotal step in Canada's commitment to recognition and respect for the rights of Indigenous peoples. Enacted in June 2021, this legislation builds upon the international standards established by UNDRIP, as adopted by the UN General Assembly in 2007. Canada finally endorsed UNDRIP in 2016, affirming its commitment to implementing the minimum standards for Indigenous rights.

UNDRIP outlines a comprehensive framework for recognizing the collective and individual rights of Indigenous peoples, including the right to self-determination, participation in decision-making, and protection of cultural heritage and traditional territories. UNDA makes UNDRIP applicable in Canadian law by requiring that federal laws align with UNDRIP principles. It raises the standards for meaningful consultation and shared decision making. UNDA mandated the creation of a federal action plan and annual reporting to track progress in implementing UNDRIP. This Action plan was released in June 2023. It is comprised of four chapters: Shared Priorities, First Nation Priorities, Metis Priorities, and Inuit Priorities. Within these four chapters, there are 181 measures to be implemented. Implementation is slowly ongoing.

COO does not have a resolution on UNDRIP or UNDA. Rather, COO provides communications, updates, and briefings, and hosts forums for interested First Nations to make informed decisions on their participation in the process of implementing the legislation and its Action Plan.

Read more [here](#).