

RESULTS AT A GLANCE

Evaluation of the Management and Implementation of Agreements and Treaties

Introduction

- The Implementation Branch (IB) within Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) administers the Management & Implementation (M&I) program which aims to create and maintain ongoing relationships to support the fulfillment of Canada's legal obligations pursuant to post-1975 treaties and agreements, including the rights and interests of Indigenous Peoples.
- M&I activities are intended to improve knowledge and understanding of Treaties and Agreements among federal officials, ensure that Canada's obligations are fulfilled, improve relationships, and contribute in supporting Indigenous partners to self-govern, self-determine, and address socio-economic inequalities.

Program Resources

- Expenditures for M&I were approximately \$4.5 billion over the evaluation period.

Expected Results and Outcomes

- M&I activities contribute to the following CIRNAC result:
 - Indigenous Peoples determine their political, economic, social and cultural development.

What the evaluation found

- There is a continued need to ensure full and honourable, whole-of-government implementation of Treaties and Agreements. Framing M&I framing activities as a 'program' and utilizing program authorities (Grants and Contributions) does not adequately reflect the whole-of-government responsibilities set out in Treaties and Agreements.

- There is a need for greater clarity around implementation roles and responsibilities within CIRNAC and across the federal government. There are also several challenges with the current performance measurement system that limit the ability to generate valid and reliable information to support decision-making.
- M&I and IB activities indirectly support Indigenous governments by responding to the needs and priorities of Indigenous partners, but there is an opportunity for the IB to develop in-house subject matter expertise related to common implementation issues or to establish stronger links to implicated other government departments to develop issue-specific implementation expertise.
- The scope of activities that partners undertake to implement their Treaties and Agreements have grown significantly. Given the opportunity costs faced by Indigenous partners, there is a need to centre partners' priorities and cost-benefit considerations to support the intended nation-to-nation, Crown-Inuit, and government-to-government relationships and self-determination.

Recommendations and Responses

It is recommended that CIRNAC:

1. Lead collaborative work to move away from a programmatic approach to the implementation of Agreements and Treaties to an approach that reflects the enduring and evolving nature of intergovernmental relationships.

Response: Implementation Sector (IS) will work with partners to co-develop and jointly advance proposals to ensure the unique nature of Treaties and Agreements are appropriately considered in the policy development process. IS will leverage the

Assessment of Modern Treaties Implications (AMTI) process and governance structures to strengthen the whole of government approach to implementation.

2. Undertake a comprehensive analysis of implementation roles & responsibilities, resources, processes, and linkages to partners and stakeholders, in order to strengthen the implementation of Modern Treaties and Agreements and to fully reflect the intergovernmental relationship.

Response: IS will work with the Chief Finance, Results, and Delivery Office and Treaties and Aboriginal Government (TAG) sectors to develop a new process that facilitates the feedback loop between Implementation and Negotiation phases. IS will continue to work with central agencies and other government departments to strengthen knowledge of the unique nature of Treaties and Agreements. IS will modernize its structures to ensure staffing and organizational structures can support long-term implementation.

3. Collaborate with Self Government and Modern Treaty partners to develop data options that reflect self-determination and facilitate the integration of this data and approach by whole-of-government when designing new programs and other initiatives.

Response: IS will support partners' data sovereignty. IS will consult with the Results and Delivery specialists to seek

recommendations on appropriate and effective ways to integrate data and performance indicators that is reflective of self-determination. IS will evaluate existing tools within CIRNAC for their usefulness in strengthening federal accountability and performance reporting for implementation.

4. Determine what emerging mechanisms (such as CFP) should be used to better enable Self Government and Modern Treaty partners to contribute to Government of Canada decision making processes and to foster the intergovernmental relationship.

Response: IS will work with TAG and partners through the CFP Development process and other venues to develop methodologies to identify and address socio-economic gaps. IS will work with partners to consider ways in which the annual reporting process could be streamlined.

About this evaluation

The evaluation focused on Implementation Branch's management and implementation of Agreements and Treaties from April 1, 2015 to March 31, 2021. It included 69 key informant interviews, including 26 interviews with Indigenous partners, three case studies on the Collaborative Fiscal Policy development process; Covid-19 Working Group and Ad hoc implementation support, document, performance and data review.