

Assembly of First Nations

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Assemblée des Premières Nations

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ANNUAL GENERAL ASSEMBLY
July 14-15-16, 2026, Ottawa, ON

Resolution no. 41/2026

TITLE: Settling Treaty Land Entitlement Claims Outside the Specific Claims Process

SUBJECT: Lands, Treaties, Specific Claims

MOVED BY: Chief Traveller Plaited Hair, Blood Tribe, AB

SECONDED BY: Chief Troy (Bossman) Knowlton, Piikani Nation, AB

DECISION Approved by the AFN Executive Committee by consensus.

WHEREAS:

A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:

- i. Article 26(1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
- ii. Article 27: States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

B. Many Treaties made between First Nations and the Crown contain treaty land entitlement (TLE) provisions establishing the Crown's obligation to set apart reserves of a defined size, calculated in accordance with the TLE formulas specified in each Treaty. Canada's failure to fulfill these obligations means that First Nations continue to be denied the land and benefits they are owed under Treaty.

C. Outstanding TLE obligations are national in scope and affect First Nations across the country, including: the Blood Tribe under the Blackfoot Treaty of 1877 (Treaty No. 7); the fourteen Entitlement First Nations under the 1997 Manitoba Framework Agreement currently in litigation in Federal Court, along with the six Entitlement First Nations under that Agreement that have not yet ratified individual Treaty Entitlement Agreements; Entitlement First Nations under the 1992 Saskatchewan TLE Framework Agreement; Treaty

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CINDY WOODHOUSE NEPINAK, NATIONAL CHIEF

41 – 2026

Page 1 of 3

3 Nations in Ontario; and additional Treaty 8 First Nations with outstanding TLE obligations across Alberta, British Columbia, the Northwest Territories, and Saskatchewan.

- D. The federal Specific Claims Policy and the *Specific Claims Tribunal Act*, SC 2008, c 22, are statutorily limited and are unable to satisfactorily resolve certain categories of TLE claims, due to:
- i. claims exceeding the \$150 million cap on Specific Claims Tribunal awards;
 - ii. claims governed by framework agreements such as the 1992 Saskatchewan TLE Framework Agreement and the 1997 Manitoba Framework Agreement, which the Specific Claims Policy excludes from negotiation; and
 - iii. claims for which the remedy sought is the restitution of land, which the Specific Claims Tribunal cannot award.
- E. On April 12, 2024, in *Shot Both Sides v Canada*, 2024 SCC 12, the Supreme Court of Canada issued a declaration that Canada dishonourably breached the TLE provisions of the Blackfoot Treaty, the Blood Tribe being entitled to a reserve 162.5 square miles larger than the reserve currently held. The Court characterized the Crown's conduct as "deplorable," and issued declaratory relief to support reconciliation through negotiation outside the courts.
- F. Canada has historically demonstrated that through dedicated TLE settlement vehicles — including the April 2023 tripartite settlement with five Treaty 8 First Nations in British Columbia — that the prompt resolution of TLE claims outside the Specific Claims process is administratively and fiscally feasible. Canada has not extended these models to other First Nations with comparable outstanding TLE obligations.
- G. AFN Resolutions 09/2020, *Jointly Develop a Fully Independent Specific Claims Process*, 11/2024, *Ensuring Access to Justice for Specific Claims through Policy Reform*, 12/2024, *Urgent Support for the Repatriation of First Nations Lands*, 59/2025, *Strategic Direction on Land Restitution and Compensation*, and 67/2025, *Advancing the Recognition, Implementation, and Enforcement of Pre-1975 Treaties*, direct the AFN to advance independent specific claims resolution, distinctions-based Nation-to-Nation land restitution, and a Cabinet Directive for pre-1975 Treaty implementation. This resolution builds upon those mandates by addressing the specific gap of outstanding TLE claims that cannot be resolved within the federal Specific Claims process.

THEREFORE BE IT RESOLVED that the First Nations-in-Assembly:

1. Direct the Assembly of First Nations (AFN) to call upon the Government of Canada, in collaboration with affected First Nations, to establish dedicated negotiation processes with appropriate Cabinet-approved financial mandates and whole-of-government coordination for the expeditious resolution of Treaty Land Entitlement (TLE) claims that fall outside the Specific Claims process, including court-affirmed claims, claims governed by framework agreements, claims exceeding the \$150 million Specific Claims Tribunal cap, and claims for which the remedy sought includes the restitution of land.
2. Direct the AFN to call upon the Government of Canada to provide its TLE negotiators with multi-year Cabinet-approved financial mandates of sufficient scope to negotiate land restitution and equitable compensation, and to avoid interruption of negotiations due to mandate expiry or renewal.

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3. Direct the AFN to report back to the First Nations-in-Assembly at each subsequent Annual General Assembly on the implementation of this resolution, until its purposes have been achieved.
4. Direct the AFN to make reasonable efforts to identify and seek the resources required to support the work mandated by this resolution, in collaboration with affected First Nations.

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41 – 2026
Page 3 of 3