SPECIAL CHIEFS ASSEMBLY
DECEMBER 4, 5 & 6, 2012,GATINEAU, QC

Resolution no. 79/2012

TITLE:	Implementation of the Specific Claims Political Agreement of 2007
SUBJECT:	Landless Bands
MOVED BY:	Chief Arlene Slipperjack, Whitewater Lake First Nation, Ontario
SECONDED BY:	Chief Marcia Brown, Beaverhouse First Nation, Ontario
DECISION:	Carried by Consensus

WHEREAS:

A. Article 26 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) provides that "Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired", and Article 27 guarantees a fair adjudication process for the resolution of claims brought forward by Indigenous peoples, including the First Nations of Canada.

B. The Assembly of First Nations (AFN) and Indian and Northern Affairs Canada (INAC) signed a Political Agreement in 2007, coinciding with the introduction of the *Specific Claims Tribunal Act*, and this Political Agreement committed INAC to a serious consideration of specific claim issues not dealt with explicitly in the *Act.*

C. Whitewater Lake First Nation of Ontario and other First Nations across Canada understood that the Political Agreement would lead to a formal process on the resolution of claims brought forward by communities seeking "band" and/ or "reserve" status under the *Indian Act* – so-called "landless" bands.

D. In spite of the solemn pledges made in the 2007 Political Agreement, there has only been limited progress to date to address the situation of communities like Whitewater Lake First Nation.

E. Whitewater Lake has been blocked from the specific claims process and receives no program funding from the federal government, even though Whitewater Lake citizens are right holders under the James Bay Treaty of 1905.

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F. The traditional land base of Whitewater Lake is not recognized by the governments of Ontario or Canada, and is engulfed by a massive provincial park (Wabikimi), which was established without the Free, Prior and Informed Consent (FPIC) of Whitewater Lake First Nation.

G. The *Specific Claims Tribunal Act* is supposed to be the subject to a five-year review in 2013 and it is necessary to also consider the companion Political Agreement in this context to ensure that all of its provisions are fully implemented for communities like Whitewater Lake First Nation.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Support a reconsideration and revitalization of the Specific Claims Political Agreement of 2007 as a platform to establish a formal claims resolution process for communities like Whitewater Lake First Nation seeking band and/ or reserve status (i.e., so-called "landless" bands).

2. Direct the Chiefs Committee on Claims (CCoC), as the appropriate AFN body, to focus on the situation of First Nations seeking band and/ or reserve status, and that the CCoC re-affirm that the Chief of the Whitewater Lake First Nation and other interested Chiefs from across Canada are welcome to participate in all discussions of the CCoC.

3. Direct the CCoC to develop a formal position to enter into negotiations with the federal government, based on the 2007 Political Agreement or by mutual agreement, to address the issues of communities like Whitewater Lake First Nation.

4. Recognize the dire social and economic circumstances of communities like Whitewater Lake First Nation, and are committed to treat this work as a national priority for the AFN with a full report on progress to be provided to the Chiefs-in-Assembly prior to the end of 2013.

5. Direct the National Chief and Executive to work with communities like Whitewater Lake First Nation on the advancement of its social and economic priorities, including the establishment of a formal claims resolution process for communities seeking band and/ or reserve status.

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