

Assembly of First Nations

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

Resolution no. 53/2026

TITLE: Upholding Obligations and Commitments on Specific Claims

SUBJECT: Lands, Claims

MOVED BY: Chief Joe Miskokomon, Chippewas of the Thames First Nation, ON

SECONDED BY: Chief Lisa Robinson, Wolf Lake First Nation, QC

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 8(2): States shall provide effective mechanisms for prevention of, and redress for:
 - a. Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
 - b. Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
- 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.
- iii. Article 28(1): Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
- iv. Article 28(2): Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

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- B. Historical actions illegally undertaken by the colonial governments have resulted in the dispossession of First Nations, including the illegal alienation of their lands, the failure to safeguard traditional territories and resources, the systematic denial of traditional harvesting rights, and the illegal disruption and removal of sacred sites and grave sites.
- C. These historical and ongoing losses are the result of false, racist premises such as *terra nullius* and the doctrines of discovery, and denial which provided colonial governments justification for alienating land through the Western notion of private land, and organized systems of pre-emption and land grants to accelerate non-Indigenous settlement on Indigenous territories. These premises continued later through systems of land alienation legalized and exploited under the *Indian Act* – often in clear violation of the minimal protections contained in colonial or federal law. These acts of land dispossession ignored Indigenous laws, protocols, and systems of governance.
- D. The federal specific claims process is one of the few mechanisms available for First Nations to exercise their right to redress for historical breaches of lawful obligations by the Crown. Since its inception, the specific claims process has been plagued by delays, barriers, and institutionalized conflict of interest.
- E. Since the election of the Liberal government under Prime Minister Mark Carney in April 2025, the Government of Canada has taken concrete measures that indicate it is retreating from its lawful obligations and public commitments to First Nations. These actions raise concerns about the Government of Canada's commitment to resolving historical claims and reforming the specific claims process in a manner consistent with the UN Declaration.
- F. Recent shifts by the Government of Canada away from specific claims resolution have included:
- i. Abandoned joint reform work to co-develop a fully Independent Specific Claims Resolution Centre grounded in the UN Declaration and that enacts Indigenous laws, contrary to the commitments made in the United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan;
 - ii. Exacerbated the specific claims research funding crisis by cutting the national envelope from \$12 million to \$8 million, while First Nations funding requests have grown from \$35 million to \$42.2 million, prompting Canada to defund valid stages of the process and contemplate ways to deny funding to new claims and preliminary research stages;
 - iii. Creating barriers in negotiations through prolonged delays, inconsistent mandates, reduced funding, dismissing First Nations experts, issuing take-it-or-leave-it offers, lack of transparent communication with First Nations and their legal counsel, and underperformance of federal negotiators;
 - iv. Cancelling the expedited resolution framework for agricultural benefits arising from broken treaty promises, delaying settlement of these claims;
 - v. Neglecting vacancies in the Specific Claims Tribunal to meet demanding caseloads, jeopardizing First Nations' timely access to the adjudication of their claims; and
 - vi. Failing to engage in clear, open, and transparent communication with First Nations and their representative organizations regarding the future of reform work and the functionality, integrity, robustness, and sustainability of the specific claims process overall.

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- G. The federal government has made “economic reconciliation” with First Nations the cornerstone of the Crown-First Nations relationship to facilitate the One Canadian Economy major projects agenda. This agenda emphasizes accelerated infrastructure and industrial development on First Nations lands while minimizing federal obligations and rights-based commitments to resolve First Nations historical claims.
- H. Section 35(3) of the *Constitution Act*, 1982 provides that “for greater certainty, treaty rights within the meaning of section 35(1) include rights that now exist by way of land claims agreements or may be so acquired.”
- I. The plain and purposive reading of section 35(3) supports the position that First Nations engaged in Treaty-based specific claims processes hold constitutionally protected land rights, inclusive of the acquisition of lands and to jurisdiction and administration over such lands, consistent with the honour of the Crown and the broad remedial purposes of section 35. Despite this constitutional foundation, Canada has interpreted section 35(3) as applying exclusively to Comprehensive Claims and Modern Treaty processes. This interpretation denies First Nations engaged in specific claims the full recognition and protection of their section 35(3) rights, including rights to land acquisition and governance over lands.

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

- 1. Direct the Assembly of First Nations (AFN) to call on the Government of Canada to take immediate action to uphold its obligations and public commitments to First Nations by:
 - a. reactivating joint work to co-develop an Independent Specific Claims Resolution Centre that fully enacts First Nations laws;
 - b. addressing the crisis in specific claims research funding by providing an emergency supplement to the 2026-27 funding envelope to ensure all First Nations can research and develop their claims, regardless of research stage or mechanism, and working with First Nations to co-develop a fair, equitable, and sustainable funding model;
 - c. removing barriers to negotiations;
 - d. reinstating the expedited resolution framework for agricultural benefits claims;
 - e. prioritizing the provision of requested funding data and clear, transparent communication about the status of the process overall
- 2. Direct the AFN to send an open letter to the Prime Minister, and Ministers of Justice and Crown Indigenous Relations and Northern Affairs within the next three months calling on Canada to uphold its legal obligations and public commitments regarding specific claims, in alignment with the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) and the honour of the Crown.
- 3. Direct the AFN to take immediate steps to call on the Government of Canada to reactivate the joint work to co-develop an Independent Specific Claims Resolution Centre that fully enacts First Nations laws and to report back to First Nations-in-Assembly on these steps at the next Assembly.
- 4. Direct the AFN to call on the Government of Canada to reform the Specific Claims Policy to fully recognize and implement the section 35(3) rights of First Nations engaged in specific claims processes, including the

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acquisition of lands and jurisdiction and administration over such lands, with the full constitutional recognition and protection.

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