

## Issue Update

### Specific Claims Co-Development Process

#### History

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For generations, First Nations have called for a new, fully independent specific claims process to facilitate the negotiation and resolution of their claims against the Crown. Under the current process, the Government of Canada is the defendant and manages all elements of the process, determines the level of funding First Nations receive to participate, and accepts or rejects First Nations claims for negotiation based on Canada's own legal advice.

AFN Resolution 09/2020, *Jointly Develop a Fully Independent Specific Claims Process*, calls on Canada to work directly with the Assembly of First Nations (AFN) and the Chiefs Committee on Lands, Territories and Resources (CCoLTR) to co-develop a fully independent specific claims process consistent with the *United Nations Declaration on the Rights of Indigenous Peoples* and based on the following four principles:

1. Maintenance of the Honour of the Crown
2. Independence in all aspects of Claims Resolution
3. Recognition of Indigenous Laws
4. No Arbitrary Limits on Compensation

#### AFN's recent advocacy

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In November 2022, the AFN and Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) formally launched the Specific Claims Implementation Working Group (SCIWG) to co-develop a consensus-based model for an Independent Centre for the Resolution of Specific Claims. The SCIWG meets regularly and is making progress on a joint proposal.

In 2023, the AFN brought together a group of prominent Indigenous legal experts to provide guidance to the SCIWG on the recognition of Indigenous laws in the specific claims process. The Council of Experts in Indigenous Laws (CEIL) has met regularly and is participating in an Indigenous Laws Gathering in Vancouver, B.C., in June 2023. This event is a critical opportunity to learn from First Nations leaders and Knowledge Keepers on how Indigenous laws, traditions, customs, and land tenure systems must be included in the resolution of claims.

#### Next Steps

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The AFN will continue to work through the SCIWG and the CCoLTR to advance the development of a consensus-based proposal for an Independent Centre for the Resolution of Specific Claims. The AFN and CIRNAC will seek opportunities to engage with First Nations on this work in 2023/24. The final proposal will be subject to review by Federal Cabinet and by First Nations-in-Assembly in 2024/25. The AFN anticipates any new legislation receiving Royal Assent by the spring of 2025.