



ASSEMBLY OF FIRST NATIONS
Special Chiefs Assembly

December 5-7, 2023

Shaw Centre – Ottawa, Ontario

*Ottawa is located on the unceded unsurrendered
Territory of the Algonquin People.*

ASSEMBLÉE DES PREMIÈRES NATIONS
Assemblée extraordinaire des Chefs

Du 5 au 7 décembre 2023

Centre Shaw - Ottawa (Ontario)

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Update on the AFN-Canada Specific Claims Co-Development Process

December 2023

Assembly of First Nations (AFN)

Lands Sector



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Overview

- Background, Mandates
- Current Status
- Looking ahead
- Emerging Issues



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Background

- The AFN conducted extensive engagement from 2019–2021 that resulted in the [AFN reform proposal](#) calling for the establishment of a fully independent specific claims process, including an Independent Centre for the Resolution of Specific Claims.
- In November 2022, following continued advocacy by First Nations and technicians, former Regional Chief Paul Prosper and Minister Marc Miller launched the Specific Claims Implementation Working Group (SCIWG) which is mandated to co-develop options for the establishment of an Independent Centre.
- The AFN’s participation at the specific claims co-development table is guided by the four principles identified by First-Nations-in-Assembly in [Resolution 09/2020](#), *Jointly Develop a Fully Independent Specific Claims Process*:
 - The Honour of the Crown
 - Independence in all aspects of claims resolution, including funding and oversight of claims and their resolution
 - Recognition of Indigenous laws, legal orders, and dispute resolution mechanisms
 - No arbitrary limits on compensation



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Current Status – The Consensus-Based Proposal

- The SCIWG continues to develop a consensus-based proposal for an Independent Centre for the Resolution of Specific Claims, and has identified the following functions and roles for the proposed Centre:



Registrar

First Nations will file the claim with the Registrar



Funding

Provide funding to First Nations to research, develop and pursue their claims through all aspects of claims resolution



Resource Hub

Serve as a central repository for research materials, assist with access to information, and offer support and capacity building for First Nations, including best practices for research and training.



Dispute Resolution Services

Facilitate access to fair, just, and timely resolution of claims by providing expert dispute resolution services whenever necessary to help parties reach a negotiated settlement of specific claims



Specific Claims Tribunal

Facilitate access to adjudication through the Specific Claims Tribunal.



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Next Steps

- Work is ongoing to finalize a co-developed consensus-based framework for an Independent Centre for the Resolution of Specific Claims.
- Looking to 2024, the AFN is preparing to extensively engage with First Nations to receive input and feedback on the co-developed proposal.
- This engagement period will ultimately result in a publicly revised proposal shaped by the experiences, visions, and contributions of First Nations through the engagement process.



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Draft 2024 Timeline

The Specific Claims Implementation Working Group seeks to finalize a co-developed proposal for public consideration and feedback.

The revised Independent Centre proposal is presented to First-Nations-in-Assembly.

March 2024

Spring & Summer 2024

By the end of 2024

AFN engagement with First Nations through interactive engagement, social media awareness, and online tools seeking feedback to refine the co-developed proposal.



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Emerging Issues Update

- As the AFN continues work on transforming the specific claims process, we continue to advocate for meaningful improvements within the existing process.
- This includes advocating for adequate representation at the Specific Claims Tribunal and addressing the severe shortfall in 2023/2024 funding for the research and development of specific claims.



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Emerging Issue: Quebec Judge on the Specific Claims Tribunal

- The AFN is aware of the absence of a Judge from the Quebec Superior Court at the Specific Claims Tribunal.
- This fall AFN Interim National Chief Joanna Bernard sent a letter to the Minister of Justice calling for the immediate appointment of a Quebec judge to the Tribunal.
- The AFN will continue to monitor this area and advocate to ensure that First Nations in Quebec have meaningful access to adjudication of their claims through the Tribunal.



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Emerging Issue: Research Funding

- This fiscal year, there is a shortfall of approximately \$18.5 million for specific claims research funding, denying access to justice for 98 First Nations in researching their claims.
- At the July 2023 AGA, First Nations-in-Assembly called for an immediate increase in funding this fiscal year to address the shortfall and for funding to meet First Nations' actual needs moving forward. The AFN Lands Sector continues to advocate for adequate and just funding for specific claims research and development.
- In response to a letter from Interim National Chief Joanna Bernard, Minister Anandasangaree has acknowledged this year's funding requests served as an important benchmark for the Department moving forward.



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