



ANNUAL GENERAL ASSEMBLY
July 9, 10, 11, 2024, Montreal, QC

Resolution no. 10/2024

TITLE:	Advancing Additions to Reserve Reform
SUBJECT:	Lands, Additions to Reserve
MOVED BY:	Chief Joe Miskokomon, Chippewas of the Thames First Nation, ON
SECONDED BY:	Chief Dalton Silver, Sumas First Nation, BC
DECISION	Carried; 2 Opposition; 1 Abstention

WHEREAS:

- A.** The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 26(2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
 - ii. Article 26(3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.
 - 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.
- B.** The Government of Canada's Additions to Reserve (ATR) policy and process have been largely ineffective in adding lands to First Nations' reserves in a timely or efficient manner.
- C.** The ATR policy and process must respect First Nations' diverse priorities, land regimes and regional realities and facilitate the efficient addition of lands to reserve for all First Nations. This includes ensuring

Certified copy of a resolution adopted on the 10th day of July, 2024 in Montreal, Quebec

Chuxelhouse.

CINDY WOODHOUSE NEPINAK, NATIONAL CHIEF

10 – 2024
Page 1 of 3

recognition of the distinct needs of First Nations with self-government agreements and the fulfilment of the Government of Canada's outstanding legal obligations such as Treaty Land Entitlement.

- D. There are three persistent longstanding realities that consistently undermine First Nations' ability to add lands to reserve:
- i. Impoverished policies and processes that position reserve lands as a legal and financial risk for the Government of Canada, resulting in structural barriers to creating new reserve lands, even when required by the Government of Canada's own legal obligations or agreements.
 - ii. A failure by the Government of Canada, the provinces, and the territories to make suitable Crown lands available for acquisition by First Nations.
 - iii. The continued prioritization of third-party interests and federal risk management over First Nations' need for lands.
- E. Federal Budget 2021 committed \$43 million over three years to support ATR policy and process reforms, including \$33 million for Indigenous Services Canada (ISC) to help address a massive backlog, and \$10 million for Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) to facilitate First Nations driven policy reform.
- F. In December 2022, the Minister of CIRNAC, Marc Miller, told the First Nations-in-Assembly that "the (ATR) process is largely broken, glacial in its pace, and a terrible way to get land back."
- G. In 2022, CIRNAC initiated a staged approach to ATR reform, beginning with a pre-engagement with select First Nations and First Nations representative organizations, followed by a proposal driven engagement process in 2023, which provided \$4 million to over 50 First Nations to facilitate First Nations analysis and positions on ATR reform.
- H. First Nations-in-Assembly passed Assembly of First Nations (AFN) Resolution 37/2023, *Returning First Nations Lands through Additions to Reserve Reform* calling on the Government of Canada to co-develop with First Nations, a clear, effective, and transparent ATR process and mandating the AFN to advance the many different priorities First Nations have respecting ATR, including through policy and legislative reforms.
- I. CIRNAC has initiated a Technical Advisory Committee (TAC) to guide the co-development of ATR reforms. The TAC will be comprised of representatives of key government departments, First Nations partner organizations, and First Nations technical experts. The AFN was invited to participate on March 27, 2024.
- J. The AFN Chiefs' Committee on Lands, Territories and Resources (CCoLTR) advised the AFN on March 21, 2024, to participate on the TAC and seek a mandate to co-develop ATR reforms consistent with the need for an ATR Policy and process that quickly and efficiently creates reserve lands for First Nations reflective of their diverse priorities, land regimes, and circumstances.

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

1. Direct the Assembly of First Nations (AFN) to establish a process and procedure for rights holders to directly guide policy reform to the Additions to Reserve (ATR) policy, consistent with First Nations priorities

Certified copy of a resolution adopted on the 10th day of July, 2024 in Montreal, Quebec

Cindy Woodhouse

CINDY WOODHOUSE NEPINAK, NATIONAL CHIEF

10 – 2024
Page 2 of 3

and the need for a fast, effective, and efficient process to add reserve lands/replacement reserve lands to their communities, and to ensure that process respects the diversity of First Nations priorities, land regimes, and regional realities and does not to interfere with other neighbouring First Nations' land use plans.

2. Direct the AFN to continue engaging with First Nations on co-development objectives and ensure ATR reform meets the minimum standards outlined in the *United Nations Declaration on the Rights of Indigenous Peoples*.
3. Direct the AFN to advocate to ensure ATR reform remains a key federal priority, including the need for significant investments to support implementation and to work with First Nations to co-develop substantive reforms.

Certified copy of a resolution adopted on the 10th day of July, 2024 in Montreal, Quebec

Woodhouse

CINDY WOODHOUSE NEPINAK, NATIONAL CHIEF

10 – 2024
Page 3 of 3