



ASSEMBLY OF FIRST NATIONS
Special Chiefs Assembly

December 5-7, 2023

Shaw Centre – Ottawa, Ontario

*Ottawa is located on the unceded unsundered
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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Additions to Reserve: Reform Updates

December 4, 2023

Ottawa, ON



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Presentation Overview

- Mandates
- Federal ATR Reform Process
- Emerging Priorities
- AFN Work
- Next Steps



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Mandates (Canada)

“The ATR process is largely broken, glacial in its pace, and a terrible way to get land back”

Minister Marc Miller

- In 2019 and 2021 the Prime Minister mandated the Minister of Crown Indigenous Relations to “accelerate ongoing work with First Nations to redesign the federal policy on ATR.”
- Federal Budget 2021 committed \$43 million over three years to support ATR policy reform (\$10 million) and address a massive backlog of ATRs (\$33 million).
- UNDA NAP Action Plan Measure (APM 5 – First Nations Priorities)
 - Co-develop a redesign of the Additions to Reserve Policy.



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AFN Mandates

- AFN Resolution 37/2023, *Returning First Nations Lands through Additions to Reserve Reform*
 - Call on the Government of Canada to co-develop with First Nations a clear, effective, and transparent process to **restore, reacquire, and/or remedy the historic dispossession of reserve lands.**
 - Engage with First Nations on the review and redesign of the ATR process and develop a comprehensive report that **identifies the many priorities First Nations have respecting ATR and** proposes potential policy and legislative solutions for consideration.
- AFN Resolution 17/2023, *Prioritize Land Back Through All Federal Laws, Policies and Programs*
 - Call on the Government of Canada to prioritize the return of lands to First Nations through all laws, policies and processes.



ASSEMBLY OF FIRST NATIONS • ANNUAL GENERAL ASSEMBLY

JULY 11-13, 2023 • HALIFAX CONVENTION CENTRE – HALIFAX, NOVA SCOTIA

ASSEMBLÉE DES PREMIÈRES NATIONS • ASSEMBLÉE GÉNÉRALE ANNUELLE

DU 11 AU 13 JUILLET 2023 • CENTRE DES CONGRÈS DE HALIFAX – HALIFAX (NOUVELLE-ÉCOSSE)



Federal Reform Process (Thus Far)

- Federal Budget 2021 commits \$10 million to support ATR reform.
- Fall 2022 CIRNAC carries out preliminary engagement with First Nations to assist in the development of engagement priorities.
- Spring 2023 CIRNAC initiates public call for proposals to support First Nations-led engagement and recommendations for ATR redesign.
 - Greater interest than anticipated
- Fall 2023 CIRNAC initiates roll-out of engagement funding.



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Anticipated Reform Timeline

- CIRNAC's Current Target Dates & Process Plan:
 - Preliminary Engagement (2022/23)
 - Engagement and Information Gathering (2023/24)*
 - Call for Proposals funding rolled out to First Nations (Fall 2024)
 - Draft Framework/Principles to guide new ATR Policy (March 2024)
 - Analysis & Co-Development of Options, Validation of Options (2024/25)
 - Mandate to Cabinet (2025)



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Emerging Priorities

- Increasing federal interest in a high-level ATR policy framework that prioritizes First Nations objectives.
 - Federal Officials to advance potential principles for discussion with First Nations based on preliminary engagement.
 - There is no current ATR policy – instead, there is a policy directive that prioritizes risk mitigation.
- *Policy vs Directive*
 - A policy is a broad and formal statement that outlines the Government's stance, goals, objectives and principles on a particular topic (Often issued by Cabinet)
 - A directive is a more specific and detailed document that provides instructions on how to implement a particular policy (Often issued by Sr. Officials)



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Emerging Priorities

- Key Considerations:
 - While an ATR Policy might positively impact ATR, substantive process improvements and increased resources will ultimately be required.
 - The development of an ATR policy framework was not originally included in the anticipated timelines shared with First Nations by Canada.
 - Accelerated timelines might negatively impact First Nations ability to participate.
 - A potential change in government may impact future opportunities.



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AFN Work (Overview)

- The AFN is seeking to advocate and advance First Nations priorities on ATR reform through both immediate process changes focused on accelerating existing ATR submissions, and fundamental reform based on First Nations goals, objectives and recommendations.
- To support these objectives, the AFN is advancing a number of initiatives including:
 - 2022 ATR Survey with First Nations
 - 2023 ISC Regional Interviews
 - 2023-24 AFN ATR Case Studies
 - Ongoing Engagement with First Nations



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AFN Work (Ongoing)

- 2022 ATR Survey (Fall 2023 – Analysis)
 - Analysis
 - Follow-up
- Engagement with ISC Regional Offices (Fall 2023 – Interviews)
 - Understand and assess regional application of current ATR Directive
 - Identify process challenges and improvements since 2016 ATR reform
- ATR Case studies (Winter 2023-24)
 - Working with a range of First Nations in different regions the AFN will develop six (6) ATR case studies
 - Objective: Highlight community priorities and identify ATR policy and process barriers to support ongoing AFN advocacy on ATR reform.



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Anticipated Next Steps

- Winter/Spring 2024
 - Finalize ongoing AFN research and engagement activities: Case Studies, Survey, and Regional Interview Process.
 - Develop Comprehensive AFN Analysis of ATR Policy and Process Identifying:
 - The many priorities First Nations have respecting ATR
 - Analysis of existing framework
 - Potential policy and legislative solutions for consideration by First Nations-in-Assembly
 - Preliminary Feedback re: Federal ATR Policy Framework/Principles
- Summer/Fall 2024
 - AGA 2024: Potential updated mandate based on First Nations direction
 - Formal Feedback re: Federal ATR Policy Framework/Principles



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Questions?

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