

Quotes from the Gathering

"Laws are passed down intergenerationally as 'chains of law.' These chains enable Indigenous laws to be sustained and passed down through families over generations."

Kw Jim Kew [Kweskwestin]

"Indigenous laws emphasize the resolution of disputes and facilitate the manifestation of love and our care for each other."

Dr. Sa'ke'j Henderson

"The recognition of Indigenous laws is an opportunity for the Government of Canada to develop stronger, healthier relationships with First Nations."

Dr. Darcy Lindberg

"There has to be a recognition of the legal pluralism that exists within Indigenous nations if we're going to do this in the right way and in a way that stands up and makes space for the Indigenous laws of the people who are drawing on that process. That will necessarily mean that processes will have to vary between nations and sometimes even within nations."

Dr. Sarah Morales



AFN Indigenous Laws Gathering



Indigenous Laws Gathering

Purpose of the Indigenous Laws Gathering
The Assembly of First Nations (AFN) is mandated by resolution to co-develop with Canada and First Nations a fully Independent Centre for the Resolution of Specific Claims (Centre). Critical to this mandate is the need to ensure First Nations laws, legal orders, and land tenure systems are recognized throughout claims resolution. To guide our efforts and provide concrete reforms, the AFN established a Council of Experts on Indigenous Laws (CEIL) in 2023, and initiated plans to host an inaugural Indigenous Laws Gathering to bring together First Nations leaders and Knowledge Keepers to contribute to how the proposed Centre could include and recognize their Laws.

First Indigenous Laws Gathering

The AFN held the first Indigenous Laws Gathering on June 13, 2023, hosted on the unceded Musqueam, Squamish, and Tsleil-Waututh territory, in Vancouver, British Columbia. The Gathering was supported by the Union of British Columbia Indian Chiefs (UBCIC).

Overview of the Council of Experts on Indigenous Laws (CEIL)

The Council of Experts in Indigenous Laws (CEIL) was established by AFN in 2023 to further its advocacy to secure the full recognition of Indigenous Laws, legal orders, and systems of land tenure in the fair and just resolution of specific claims. The CEIL is comprised of seven distinguished leaders in Indigenous Laws, including Dr. Sa'ke'j Youngblood Henderson, Dr. Wilton Littlechild, Dr. John Borrows, Dr. Sarah Morales (Su-taxwiye), Dr. Darcy Lindberg, and Dr. Heidi Kiiwetinepinesiiik Stark, and Stephen J. Augustine

What are Specific Claims?

Specific claims are claims made by First Nations against the Government of Canada for breaches of the Crown's lawful obligations. Specific claims can arise where the Crown failed to meet its obligations under a Treaty or other agreement or mismanaged First Nations' lands or other assets.

Highlights from the Gathering

- The Gathering brought together local Knowledge Keepers, First Nations leaders, community members, claims practitioners, and academics to discuss the recognition of Indigenous laws, legal orders, and systems of land tenure in the specific claims process.
- Members of the Council of Experts in Indigenous Laws (CEIL) shared their perspectives on Indigenous laws and their application to the resolution of specific claims.
- Knowledge Keepers and community members from the Musqueam, Squamish, and Tsleil-Waututh territory facilitated the observance of protocols and provided opening and closing prayers.
- A panel of local Knowledge Keepers provided remarks on the traditional laws of their lands and territories.



Event Outcomes

Several teachings emerged during the Gathering, which are applicable to the recognition of Indigenous laws in the specific claims process. These teachings include:

- **Maintain Flexibility:** The resolution of specific claims must be flexible in recognizing Indigenous protocols, practices, ceremonies, and forms of evidence that have been historically excluded from Canadian legal processes.
- **Respect Diversity:** The specific claims process must respect the wide diversity of Indigenous laws, legal orders, and systems of land tenure.
- **Recognize Indigenous Law Throughout Claims Resolution:** Indigenous Laws must be recognized in all aspects of claims resolution, including procedural and substantive elements of the process.
- **Honour Protocols and Ceremonies:** The specific claims process must appropriately honour and observe the protocols of participating First Nations and recognize the centrality of ceremony in the resolution of disputes.
- **Restore Kinship and Harmony:** Recognition of Indigenous laws in the specific claims process will help repair and strengthen the relationship between the Crown and First Nations and facilitate addressing past wrongs.
- **Support the Restoration of Indigenous Laws:** First Nations must be provided with adequate and appropriate resources to support the restoration of Indigenous laws and the articulation of Indigenous laws in claims resolution.