

Assembly of First Nations

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ANNUAL GENERAL ASSEMBLY
September 3-4-5, 2025, Winnipeg, MB

Resolution no. 23/2025

TITLE:	Response to Canada's 2025–26 Distribution of Specific Claims Research Funding and Erosion of First Nations' Right to Justice
SUBJECT:	Specific Claims, Lands
MOVED BY:	Chief Erica Beaudin, Cowessess First Nation, SK
SECONDED BY:	Judy Wilson, Proxy, Osoyoos Indian Band, BC
DECISION	Approved by the AFN Executive Committee by consensus

WHEREAS:

- A.** The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.
 - Article 19: States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
 - Article 27: States shall establish and implement, in conjunction with Indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to Indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of Indigenous peoples pertaining to their lands, territories, and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.
- B.** The specific claims process is one of the few mechanisms available for First Nations to exercise their right to redress for historical breaches by the Crown, and specific claims research funding is fundamental to the process.

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23 – 2025
Page 1 of 3

- C. Claims Research Units (CRUs), established and mandated by First Nations, currently research and develop over 80 percent of all active claims and are a critical means by which First Nations pursue justice for their historical claims.
- D. Canada has stated that for the 2025-26 fiscal year, it received a significant increase in the number of research funding applications from individual First Nations and the number of claims on CRUs' funding proposals.
- E. Canada distributed the \$12 million in research funding available for 2025-26 according to a unilaterally devised and non-transparent system which allocated funding to individual First Nation applicants, and then to mandated CRU applicants with the result that:
 - i. individual First Nations applicants have received insufficient funding (25 percent less than the maximum claim allowance of \$40,000 per claim and, on average, 50-75 percent less than they requested);
 - ii. CRUs have received severe and debilitating cuts to their budgets (up to 83 percent), directly impacting 80 percent of all First Nations claims in research and development; and
 - iii. the ability of all First Nations to advance their specific claims through their chosen mechanisms has been significantly compromised, as longstanding research programs now struggle to survive and research progress on hundreds of claims will be curtailed.
- F. Canada failed to inform CRUs and First Nations of the 2025–26 funding allocations until three months into the fiscal year, after CRUs had already committed staff and resources based on previous levels and past funding practices – incurring unrecoverable costs and leaving a fraction of resources to stretch over the remainder of the fiscal year.
- G. Canada also failed to apply or communicate any consistent, transparent methodology for allocating funds, creating sudden, destabilizing shortfalls that will derail ongoing research work, bar First Nations from advancing new claims, undermine their access to justice, and waste already scarce resources.
- H. By arbitrarily cutting CRU budgets — despite their economies of scale and ability to advance the greatest number of claims — and by underfunding direct First Nation allocations, Canada has undermined system-wide efficiency and effectiveness that will reduce the number of claims that could be advanced, essentially squandering limited public funds.
- I. These cuts compound a growing crisis that undermines both First Nations' access to justice and Canada's previous commitment to co-develop an independent specific claims process, and will lead to structural failure, regional inequities, and long-term system paralysis.
- J. These actions contravene Canada's obligations under the UN Declaration, fail to uphold the Honour of the Crown, and contradict Canada's public commitment to reconciliation and redress of past harms.
- K. These actions will delay the resolution of historical claims and by doing so will inject uncertainty into land-based processes and compound risks to major energy, infrastructure, and resource development projects.
- L. AFN Resolutions 80/2023 and 11/2024 affirm the need for adequate, predictable, and transparent specific claims research funding and support for CRUs, but do not address this new federal 2025–26 crisis.

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23 – 2025

Page 2 of 3

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

1. Affirm that First Nations have the right, in accordance with *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) Articles 18, 19, and 28, to choose how their historical grievances are researched and advanced—whether through mandated Claims Research Units (CRUs) or as individual applicants—and that Canada must ensure equitable and appropriate funding for both pathways, consistent with First Nations' mandates, needs, and right to redress.
2. Condemn the 2025–2026 distribution of specific claims research funding as it violates reasonable expectations and principles of fairness, and was undertaken without consultation, transparency, and respect for First Nations' self-determined representation and research mechanisms.
3. Direct the AFN to engage with the Prime Minister and Minister of Crown-Indigenous Relations to urgently address the funding crisis and ensure sustainable and equitable access to claims research support for all First Nations.
4. Call on Canada to:
 - a. co-develop, with First Nations, a reformed specific claims research funding model that is transparent, equitable, needs-based, and grounded in the UN Declaration, Treaty rights, and First Nations' right to choose their own representatives and research mechanisms; and
 - b. provide an urgent top-up of the 2025–2026 research envelope to reach a minimum of \$35 million, in line with the demonstrated need to uphold First Nations' mandates to have CRUs research and develop their claims and to maintain this level of funding until a reformed specific claims research funding model has been fully co-developed and endorsed by First Nations.
5. Affirm that the 2025–26 funding crisis demonstrates the urgent need for Canada to return to the co-development table to honour its past commitments by re-engaging in good faith with First Nations to co-develop a fully independent specific claims policy and process — beginning with adequate, stable, and transparent research funding that enables First Nations to investigate, prepare, and advance their claims through mechanisms of their own choosing.

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23 – 2025
Page 3 of 3