



SPECIAL CHIEFS ASSEMBLY
December 2-3-4, 2025, Ottawa, ON

Resolution no. 59/2025

TITLE: Strategic Direction on Land Restitution and Compensation

SUBJECT: Lands, Specific Claims, Additions to Reserve

MOVED BY: Chief Dalton Silver, Sumas First Nation, BC

SECONDED BY: Judy Wilson, Proxy, Osoyoos Indian Band, BC

DECISION: Carried by consensus

WHEREAS:

A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:

- i. 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.
- ii. Article 26(1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
- iii. 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.
- iv. 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, used or damaged without their free, prior and informed consent.

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- v. 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. For generations, First Nations have advocated for fair, independent, impartial, open and transparent processes to resolve the Crown's outstanding legal obligations related to First Nations' lands, territories and resources. First Nations have also expressed deep frustration with the Government of Canada's failure to return lands in an efficient and timely manner in fulfilment of outstanding legal obligations and community needs.
- C. Assembly of First Nations (AFN) Resolution 09/2020, *Jointly Develop a Fully Independent Specific Claims Process*, mandates the AFN to co-develop with the Government of Canada and First Nations a fully independent specific claims process that reflects the UN Declaration and the Honour of the Crown by removing the Minister's conflict of interest.
- D. In November 2022, then Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) Minister Marc Miller publicly committed the Government of Canada to co-developing a fully independent specific claim process with First Nations and the AFN through the establishment of an Independent Centre for the Resolution of Specific Claims (the Independent Centre).
- E. In July 2024, in recognition of the diminishing timeline to establish the Independent Centre under the previous government, First Nations-in-Assembly directed the AFN to pursue immediate policy-based reforms alongside continuing to work jointly with the Government of Canada to develop a fully independent specific claims process through Resolution 11/2024, *Ensuring Access to Justice for Specific Claims through Policy Reform*.
- F. AFN Resolution 10/2024, *Advancing Additions to Reserve Reform*, mandates the AFN to work with First Nations to advance transformative reforms to the Additions to Reserve (ATR) Policy to create a faster, more effective process that respects diverse land regimes, regional realities, and First Nations priorities such as those related to outstanding legal obligations.
- G. At the December 2024 Special Chiefs Assembly, then CIRNAC Minister Gary Anandasangaree announced interim changes to the ATR Policy to enable greater flexibility and committed to pursuing fundamental reform in collaboration with First Nations. There is an ongoing need to coordinate reform of the ATR and Specific Claims Policies and processes to ensure that First Nations can achieve financial compensation and land restitution in an efficient and timely manner.
- H. As directed by Resolution 10/2024, the AFN continues to participate in the CIRNAC Technical Advisory Committee (TAC) to advance a transformative ATR Policy that respects First Nations' diverse priorities and land regimes.
- I. During the 2025 election campaign, Prime Minister Mark Carney reaffirmed Canada's commitment to implementing the *United Nations Declaration on the Rights of Indigenous Peoples Act (UNDA)* and the UNDA National Action Plan. Failure to fulfill this commitment perpetuates historical injustices and undermines reconciliation efforts.
- J. As of 2024, Canada reported \$26 billion in contingent liabilities related to its unresolved legal obligations to First Nations, with over 3 million acres owed to First Nations through Treaty Land Entitlement and specific

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claim settlements. To advance its ambitious national growth agenda, Canada must first take meaningful steps to address its monetary and land-based obligations to First Nations including via the resolution of specific claims and the return of lands.

- K.** The AFN, with the guidance of the Chiefs Committee on Lands, Territories and Resources (CCoLTR) and the Council of Experts in Indigenous Laws (CEIL), has convened two national gatherings of First Nations leadership, technicians, and knowledge keepers to advance the self-determined assertion of Indigenous laws, legal orders, and traditions in relation to land restitution and equitable compensation. These gatherings constitute a critical national forum for the revitalization and restitution of First Nations laws and legal orders.

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

1. Reaffirm the generational calls for a fully independent specific claims process that removes Canada's conflict of interest in the resolution of specific claims.
2. Direct the Assembly of First Nations (AFN) to work directly with Canada, the Chiefs Committee on Lands, Territories, and Resources (CCoLTR), and First Nations to advance transformative reform of Canada's Specific Claims Policy and process including through:
 - a. Policy-based reforms previously called for by the First Nations-in-Assembly;
 - b. Identifying and removing barriers in the Specific Claims Policy and *Specific Claims Tribunal Act* that prevent land and other equitable remedies in compliance with the *United Nations Declaration on the Rights of Indigenous Peoples*; and
 - c. Continuing to identify and co-develop reforms to increase process independence, including the establishment of an independent specific claims process.
3. Direct the AFN, with the guidance of the CCoLTR, to engage directly with First Nations to identify transformative approaches to land restitution in the context of the Additions to Reserve (ATR) policy reform.
4. Direct the AFN to call on Canada to address the fiscal and moral costs of not resolving outstanding monetary and land-based obligations to First Nations through co-developed reforms to the ATR policy and the Specific Claims Policy as a fundamental requirement for reconciliation and in respect for the diversity of First Nations priorities and regional realities.
5. Direct the AFN, contingent upon the provision of necessary resources, and guided by the CCoLTR and the Council of Experts in Indigenous Laws, to continue to convene annual national gatherings of First Nations leadership, technicians, and knowledge keepers dedicated to advancing Indigenous laws, with a particular focus on land restitution and compensation principles.

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