



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)

*Ottawa est située sur le territoire non cédé et non abandonné du peuple algonquin.*



## Specific Claims Co-Development Process

### History

For generations, First Nations have called for a new, fully independent specific claims process to facilitate the negotiation and resolution of their claims against the Crown. Under the current process, the Government of Canada is the defendant, manages all elements of the process, determines the level of funding First Nations receive to participate, and accepts or rejects First Nations claims for negotiation based on its own legal advice.

AFN Resolution 09/2020, *Jointly Develop a Fully Independent Specific Claims Process*, calls on Canada to work directly with the AFN and the Chiefs Committee on Lands, Territories, and Resources (CCoLTR) to co-develop a fully independent specific claims process consistent with the United Nations Declaration on the Rights of Indigenous Peoples and based on the following four principles:

1. Maintenance of the Honour of the Crown
2. Independence in all aspects of Claims Resolution
3. Recognition of Indigenous Laws
4. No Arbitrary Limits on Compensation

### AFN's recent advocacy

In November 2022, the AFN and Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) formally launched the Specific Claims Implementation Working Group (SCIWG) to co-develop a consensus-based model for an Independent Centre for the Resolution of Specific Claims. The SCIWG meets regularly and is making progress on a joint proposal.

In 2023, the AFN brought together a group of Indigenous legal experts to provide guidance to the SCIWG on the recognition of Indigenous laws in the specific claims process. The Council of Experts in Indigenous Laws (CEIL) has met regularly and participated in the June 2023 Indigenous Laws Gathering held in Vancouver, B.C. This event was a critical opportunity to learn from First Nations leaders and Knowledge Keepers on how Indigenous laws, traditions, customs, and land tenure systems must be included in the resolution of claims. The AFN remains committed to continuing these important gatherings in other regions, reflective of the diversity of Indigenous laws, traditions, customs, and land tenure systems across Turtle Island.

### Next Steps

The AFN is continuing to make progress towards a consensus-based proposal through its work with CIRNAC. The SCIWG is working to finalize a consensus-based model for the Independent Centre for the Resolution of Specific Claims, which will be shared publicly and guide extensive consultation and engagement with First Nations, beginning in January 2024, to inform a final proposal for consideration by First-Nations-in-Assembly and the Federal Cabinet.