

---

**Assembly of First Nations**

---

55 Metcalfe Street, Suite 1600  
Ottawa, Ontario K1P 6L5  
Telephone: 613-241-6789 Fax: 613-241-5808  
www.afn.ca



---

**Assemblée des Premières Nations**

---

55, rue Metcalfe, Suite 1600  
Ottawa (Ontario) K1P 6L5  
Téléphone: 613-241-6789 Télécopieur: 613-241-5808  
www.afn.ca

**Special Chiefs Assembly**  
**December 7, 8, 9, 2021, Ottawa (Ontario)**

**Resolution no. 37/2021**

---

**TITLE:** Full Involvement of First Nations in All Aspects of Specific Claims Policy Development

---

**SUBJECT:** Specific Claims, Policy Development

---

**MOVED BY:** Chief Dennis Meeches, Long Plain First Nation, MB

---

**SECONDED BY:** Chief Calvin Bruneau, Papaschase First Nation, AB

---

**DECISION** Carried; 3 abstentions

---

**WHEREAS:**

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) states:
- i. Article 8 (2): States shall provide effective mechanisms for prevention of, and redress for:
    - i. (b): Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
  - ii. 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.
  - 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.
- B. The AFN-CIRNAC Joint Technical Working Group (JTWG) is currently the body tasked with reforming the specific claims process. The AFN has developed a draft proposal for a fully independent specific claims

---

**Certified copy of a resolution adopted on the 9th day of December 2021 in Ottawa, Ontario**

---

**ROSEANNE ARCHIBALD, NATIONAL CHIEF**

**37 – 2021**  
*Page 1 of 2*

process based on a shared approach to justice and founded equally on the laws of claimant Nations and of Canada. This proposal is currently under review by First Nations throughout Canada.

- C. In the interim, Canada and its representatives within Crown-Indigenous Relations and Northern Affairs particularly at the Specific Claims Branch and the Negotiation Support Directorate, continue to revise and develop policies, regulations, and guidelines unilaterally, without the full and equal participation of First Nations who are directly affected by the specific claims process.
- D. Canada's conduct in this regard contravenes principles of fairness, equality, and transparency, fails to meet the minimum standards articulated in the UN Declaration, contradicts Canada's public commitments to work in full partnership with First Nations to advance reconciliation through the resolution of Nations' historical claims, and jeopardizes First Nations' access to justice.
- E. Meaningful, direct dialogue with First Nations must be a priority and all policy work, including revising administrative procedures, from inception to finalization, must be guided by transparency, due process, and full enactment of the government-to-government approaches articulated within the UN Declaration, First Nations' rights under section 35 of the *Constitution Act, 1982*, and the honour of the Crown.

**THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:**

1. Call on Canada to prioritize substantive, direct dialogue with First Nations on all aspects of specific claims policy and procedures, both in the development of a fully independent specific claims process and regarding any interim changes to current policy or procedures, and that it cease undertaking unilateral policy development or revision.
2. Call on Canada to ensure that all representatives of Canada – its elected representatives and members of the public service and bureaucracy – proceed in matters of policy and procedure in strict accordance with the public commitments made to First Nations by the Prime Minister and members of Cabinet, as well as the legal provisions and principles that underlie them, in particular, the United Nations Declaration on the Rights of Indigenous Peoples, First Nations' rights under section 35 of the *Constitution Act, 1982*, and the honour of the Crown.

---

**Certified copy of a resolution adopted on the 9th day of December 2021 in Ottawa, Ontario**



---

**ROSEANNE ARCHIBALD, NATIONAL CHIEF**

**37 – 2021**  
Page 2 of 2