



AFN DRAFT PROPOSAL ON AN INDEPENDENT SPECIFIC CLAIMS PROCESS

DEADLINE: AUGUST 31st, 2021

Assembly of First Nations (AFN) is seeking input from First Nations on the Draft Specific Claims Reform Proposal ***BY AUGUST 31st, 2021***

The proposal eliminates Canada's conflict of interest within the Specific Claims process.

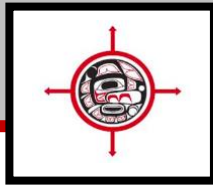
The AFN proposal includes the creation of an Independent Centre for the Resolution of Specific Claims (ICRSC) that aligns with article 27 of the *UN Declaration of the Right of Indigenous Peoples* (UN Declaration) and the four of the core principles established by Chiefs-in-Assembly:

- The Honour of the Crown
- Independence of all Aspects of Claims Resolution
- Recognition of Indigenous Laws
- No Arbitrary Limits on Compensation

**UBCIC ENCOURAGES ALL FIRST NATIONS TO REVIEW
THE PROPOSAL AND PROVIDE INPUT**

Read the draft proposal [Here](#)

Comments can be made by filling out the [Comment Form](#) or emailed directly to aasselstine@afn.ca and jdovan@afn.ca



AFN DRAFT PROPOSAL ON AN INDEPENDENT SPECIFIC CLAIMS PROCESS

The AFN has developed a draft proposal for a new, fully independent process for the resolution of specific claims that will remove Canada's conflict of interest from all parts of the process.

The proposal recommends establishing an Independent Centre for the Resolution of Specific Claims (ICRSC) that includes five functions:

1. A Registrar
2. Funding Division
3. Resource Hub
4. Commission (overseeing negotiations)
5. Specific Claims Tribunal (adjudication)

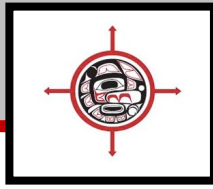
ABOUT THE REGISTRAR

The Registrar is an independent office that will support First Nations in filing a specific claim by:

- Providing infrastructure for the ICRSC to ensure independence, accountability, and transparency
- Providing information on the ICRSC and options for First Nations to resolve their claims
- Providing administrative management of all claims
- Communicating with First Nations about claim resolution processes

Read the full proposal for further details and please remember to submit your comments to the AFN by August 31, 2021!

**THE AFN PROPOSAL CAN BE FOUND [HERE](#)
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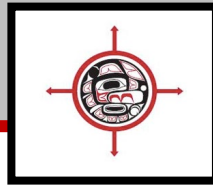
ABOUT THE FUNDING DIVISION

The Funding Division is an independent office that will administer funding to First Nations for the resolution of Specific Claims. This office will ensure:

- Flexibility to meet the needs of First Nations from development through to negotiation or adjudication stages
- First Nations have complete access to justice with sufficient financial support
- Recognize and respect the needs associated with recognition of Indigenous laws (ex. Ceremony, knowledge keepers, or elders)

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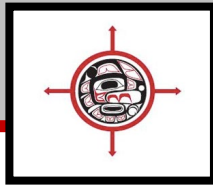
ABOUT THE COMMISSION

The commission is an independent body of qualified experts in claims, mediation and Indigenous law, that will facilitate discussions for specific claims resolution. The commission will be mandated to:

- Reach negotiated settlement in an inclusive way
- Integrate Indigenous laws to provide deeper understanding of lawful obligations, losses and alternative remedies
- Provide avenue for Indigenous laws and restitution to be incorporated in claims resolution
- Sanction uncooperative parties and prompt intervention of tribunal if needed

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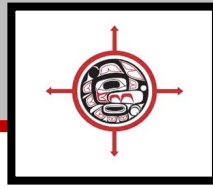
ABOUT THE RESOURCE HUB

The Resource Hub is an independent office that supports First Nations registered in the Specific Claims process by:

- Storing a collective body of research (archival documents, First Nations accounts, expert reports, etc.)
- Facilitating research for First Nations
- Assisting First Nations in articulating their own laws within the specific claims process
- Protecting intellectual property rights for First Nations through an advisory committee, and developing rules and procedures for information management

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ABOUT THE TRIBUNAL

The tribunal will be reformed to harmonize with ICRSC and continue to adjudicate all or parts of specific claims. In doing so, it may provide:

- tools that can facilitate a path to resolution by monitoring negotiation
- enforcement of penalties where necessary
- providing mediation under certain circumstances
- making rulings on specific issues of fact or law in order to facilitate negotiated settlements
- when necessary, adjudicating claims and making binding rulings on liability and/or compensation subject only to judicial review

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