
TITLE: Challenging Canada's "Surrender" Requirement in Settlement Agreements

SUBJECT: Land Rights and Claims

MOVED BY: Chief Joe Miskokomon, Chippewas of the Thames First Nation, ON

SECONDED BY: Chief Marianna Couchie, Nippissing First Nation, ON

DECISION: Passed by the AFN Executive Committee

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) affirms in Article 8 that First Nations shall be provided with "effective mechanisms for the prevention of, and redress for ... any action which has the aim or effect of dispossessing them of their lands, territories or resources".
- B. Canada's claims resolution process requirement for a "surrender" within settlement agreements creates barriers to achieving a true reconciliation of outstanding land issues.
- C. Neither the Specific Claims Tribunal of Canada nor Canada's court system has the jurisdiction to impose an *Indian Act* surrender or a surrender of Aboriginal Title.
- D. Canada's 2007 *Justice at Last* Action Plan commits to fairness and impartiality in resolving outstanding Specific Claims.

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

- 1. Direct the Chiefs Committee on Claims (CCoC) to examine Canada's requirement for a "surrender" within settlement agreements in an effort to advance alternatives that can be used in advocacy efforts aimed at the federal government.
- 2. Direct the CCoC to report back to the Chiefs-in-Assembly as progress is made.

Certified copy of a resolution adopted on the 12th day of September, 2012