

RESOLUTION NO. 28

ANNUAL GENERAL ASSEMBLY

July 20, 21 & 22, 2004, Charlottetown, PEI

**SUBJECT: COMPLAINT TO THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS
re: Specific Claims**

MOVED BY: Chief Ralph Dick, We Wai Kai (Cape Mudge) First Nation, BC

SECONDED BY: Chief Aubrey Roberts, We Wai Kum First Nation, BC

DECISION: Due to lack of quorum on July 22, 2004, the Co-Chair referred the resolution to the AFN Executive Committee. On October 3, 2004, in Ottawa, ON, the AFN Executive Committee recommended action to implement the resolution.

WHEREAS the First Nations of Canada have legitimate claims against the Government of Canada (“Canada”) for specific breaches of Canada’s outstanding lawful obligations to First Nations people; and

WHEREAS the First Nations of Canada have established an alternative system of reconciling these claims through the Specific Claims process; and

WHEREAS Canada’s deliberate policy and under resourcing the Specific Claims program has created a substantial backlog in the Specific Claims awaiting assessment, negotiation, and settlement; and

WHEREAS the backlog in Specific Claims is so severe that Specific Claims submitted to Canada today would likely take four decades or more to be resolved under the current process; and

WHEREAS Canada’s breaches of its lawful obligations, its deliberate policy of fiscal management, and the resulting backlog have had, and continue to have, a severe impact on the rights of First Nations people in Canada; and

WHEREAS the connection of First Nations people to their lands and the existence of viable First Nations economies are essential to the enjoyment and perpetuation of First Nations culture in Canada and are a fundamental aspect of the human rights of First Nations people; and

WHEREAS Canada is a member of the Organization of American States (the “OAS”) and is therefore subject to the jurisdiction of the Inter-American Commission on Human Rights (the “Commission”) and is bound to uphold the specific human rights norms outlined in the American Declaration as recognizing the human rights of Indigenous peoples including the rights to equality before the law, to protection of their cultural integrity and to protection of their lands and resources; and

WHEREAS the Commission has consistently interpreted the American Declaration as recognizing the human rights of indigenous peoples, including the right to equality before the law, to protection of their cultural integrity and to protection of their lands and resources; and

WHEREAS Canada has failed to uphold these human rights norms in its treatment of the legitimate outstanding specific claims of First Nations people in Canada; and

WHEREAS the Commission has the jurisdiction to consider complaints made against Canada for violations of human rights to provide recommendations that are legally binding on Canada at international law.

THEREFORE BE IT RESOLVED that the Assembly of First Nations will investigate the possibility of submitting a complaint to the Inter-American Commission on Human Rights concerning the specific violations by Canada, in it's treatment of the outstanding specific claims of the First Nations people of Canada, of the human rights outlined in the American Declaration under the Charter of the Organization of American States.