



ADDITIONS TO RESERVES

OVERVIEW

The 2001 Additions to Reserve Policy (ATR), which is not part of the *Indian Act*, triggers a process for First Nations to add lands to their current reserve land base and/or to create new reserves. The authority to set aside reserve lands is delegated through Crown-Indigenous Relations and Northern Affairs Canada, (CIRNA) and the Department of Indigenous Services Canada (ISC).

Beginning in 2010, the Assembly of First Nations (AFN) and Canada formed a Joint Working Group (JWG) mandated by AFN resolution to jointly reform the 2001 Additions to Reserve (ATR) policy. This work culminated in 2016 with the release of a new 2016 ATR policy.

At the 2016 AFN Annual General Assembly (AGA) the Chiefs-in-Assembly passed AFN Resolution 17/2016, *Call on Canada to Update the Additions to Reserves Policy (ATR)*, urging Canada to work with the AFN to provide joint policy interpretation and implementation oversight. The previous department,

Indigenous and Northern Affairs Canada, accepted a 2016 AFN ATR proposal committing the parties to work together to achieve these outcomes.

CIRNA the newly formed federal department responsible for ATR implementation, initially proved hesitant to engage with AFN on ATR policy interpretation and implementation oversight. In December 2017, CIRNA once again signaled a willingness to renew engagement and agreed to provide AFN with limited funding to engage with First Nations on ATR.

In the fall of 2018, Bill C-86 received Royal Assent, where CIRNA unilaterally proposed and introduced legislation without AFN involvement. There was no opportunity for First Nations to provide comment.

At the Special Chiefs Assembly in December 2018, AFN Resolution 94/2018, *Reject Canada's Approach to Additions to Reserve Legislation*, was passed by consensus.

UPDATE

Bill C-97 implemented the split of INAC, formally creating the Departments of Crown-Indigenous Relations and the Department of Indigenous Services Canada. While the details are still being worked out between

departments, as a result of the Departmental split, Indigenous Services will maintain responsibility for processing applications for Additions-to-Reserves, then provide the files

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to the Minister of Crown-Indigenous Relations for designation.

implementing a joint process to streamline and expedite the ATR process.

There is commitment for funding and the need to create an oversight committee with AFN and ISC/CIRNA in 2019-2020 which will assist in

NEXT STEPS

- Need to reaffirm CIRNA's support for the AFN's Resolution 26/2016, *Additions to Reserve Policy and Process Reform*.
- To provide an analysis of the Budget Implementation Act, Bill C-86, 2018.
- Call on Canada to ensure that any future ATR legislation be subject to joint oversight implementation with First Nations.

