



Indian and Northern
Affairs Canada

Affaires indiennes
et du Nord Canada

Supporting Modern Treaties Through Policy and Legislation



Constitution Act, 1982, Canadian
Charter of Rights and Freedoms

35. (1) The existing Aboriginal and
treaty rights of the Aboriginal peoples
of Canada are hereby recognized and
affirmed.

(2) In this Act, “Aboriginal peoples of Canada” includes the
Indian, Inuit and Métis peoples of Canada.

(3) For greater certainty, in subsection (1) “treaty rights”
includes rights that now exist by way of land claims
agreements or may be so acquired.

(4) Notwithstanding any other provision of this Act, the
Aboriginal and treaty rights referred to in subsection
(1) are guaranteed equally to male and female persons.

laws.justice.gc.ca/en/const/annex_e.html

Inherent Right Policy

The Government of Canada recognizes the inherent right of self-government as an existing Aboriginal right under section 35. This may find expression in treaties, and in the context of the Crown’s relationship with treaty peoples. It is based on the view that the Aboriginal peoples of Canada have the right to govern themselves in matters internal to their communities, integral to their unique cultures, identities, traditions, languages and institutions, and related to their special relationship to the land and resources.

www.ainc-inac.gc.ca/all/dc/ccl/pubs/sg/sg-eng.asp



Federal Comprehensive Land Claim Policy

Comprehensive land claims are based on the assertion of continuing Aboriginal title to lands and natural resources. Land claims may be negotiated with Aboriginal groups where claims to Aboriginal title are not addressed by treaty or other legal means.

Significant amendments to the Comprehensive Land Claims Policy were announced in 1986, following extensive consultation with Aboriginal and other groups. The revised policy improved the negotiation process, allowed for greater flexibility in land tenure, provided a clearer definition of negotiation topics and established a requirement for implementation plans.

www.ainc-inac.gc.ca/al/ldc/ccl/pubs/gbn/gbn-eng.asp

Federal Specific Claims Policy

The term “specific claims,” generally, refers to claims made by a First Nation against the federal government about administration of land and other assets and to the fulfilment of Indian treaties, although the treaties themselves are not open to renegotiation.

The main objective of the federal government with respect to the Specific Claims Policy is to discharge its lawful obligation, and the policy establishes the principles and process for resolving specific claims through negotiation.

www.ainc-inac.gc.ca/al/ldc/spc/plc/plc-eng.asp

Aboriginal and Territorial Relations Directorate, Northwest Territories Region

Aboriginal and Territorial Relations supports departmental work related to the negotiation and implementation of land, resource and governance agreements in the NWT, led by the Implementation Management Division at INAC Ottawa.



Canada

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