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Resolution of Claims

Annual Report 2006-2007

Key Issues and Activities

Senate Standing Committee on Aboriginal Peoples

The Senate Standing Committee on Aboriginal Peoples examined the nature and status of the Government of Canada's specific claims policy in the fall of 2006 and released a final report in December 2006. The report is entitled *Negotiation or Confrontation: It's Canada's Choice*.

The AFN appeared as a witness before the Committee on November 8, 2006. In its submission to the Committee, the AFN recommended that the backlog be significantly reduced in three to five years and that \$1.5 million be allocated to jumpstart settlements. As an interim measure, until an independent claims resolution body could be established, the AFN recommended that the powers of the Indian Specific Claims Commission (ISCC) be expanded to make binding decisions on the validity of claims and that Indian and Northern Affairs Canada (INAC) be bound by ISCC recommendations.

In a letter to the Minister of Indian Affairs dated March 7, 2007, the National Chief urged the federal government to endorse the Committee's recommendations to establish a new independent claims resolution body in partnership with First Nations, establish a Specific Claims Fund for settlement purposes and allocate sufficient resources to the specific claims process, both in the short-term and over the longer-term for First Nations, the Department of Justice, and INAC to advance and review claims. In the letter, the National Chief also invited the Minister to work in partnership with First Nations to expeditiously resolve the outstanding backlog of specific claims and establish a much-needed independent claims resolution body.

In his response to the National Chief dated March 30, 2007, the Minister stated that his government is considering the Senate Committee's report and would be providing its response to the recommendations in due course.

Unilateral Development of New Specific Claims Policy by the Federal Government

Throughout May and early June 2007, Indian Affairs Minister Jim Prentice made various statements in the media regarding a new specific claims policy that was being developed unilaterally by the federal government. While the AFN sought information from federal officials on the content of any proposed new policy or the possible timing of an announcement on the policy, these efforts met with no success. Federal officials

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also declined the AFN's invitation to attend meetings with the Chiefs Committee on Claims in May 2007 to share information regarding the proposed new specific claims policy.

On May 8, 2007, the National Chief wrote to the Minister regarding the federal government's unilateral development of a new specific claims policy. The National Chief affirmed the continued commitment of First Nations to work in partnership with the federal government to develop a mutually acceptable independent process to resolve specific claims, and expressed disappointment with the federal government's unilateral development of a new claims policy. The National Chief also endorsed the approach to reforming the specific claims process set out in the Joint Task Force report of 1998 and reiterated First Nations support for recommendations made by the Senate Standing Committee on Aboriginal Peoples regarding the allocation of sufficient resources for the preparation, review, processing and settlement of specific claims.

Chiefs Committee on Claims

The Chiefs Committee on Claims (CCC) met several times in May and June 2007 to develop strategies to respond to the federal government's unilateral development of a new specific claims policy and ensure that the new policy addresses First Nations' concerns with the claims resolution process. The Committee developed a checklist of minimum legislative, fiscal and administrative improvements to the specific claims resolution process that are required to resolve the backlog and address Canada's conflict of interest, which pervades the current specific claims resolution process. The checklist is based on the options and proposals set out in the Joint Task Force report and model bill, the AFN/INAC Joint Options Paper and Senate Standing Committee Report of December 2006.

Specific Claims Resolution Act

The Specific Claims Resolution Act (SCRA) received royal assent on November 7, 2004, but to date has not proclaimed into force. In its December 2006 report, the Senate Standing Committee on Aboriginal Peoples recommended that the SCRA be repealed. The Conservative government has not formally committed to refrain from proclaiming the SCRA, nor taken steps to repeal it. However, in various statements made in 2006, the Minister stated that the federal government would not consider any amendments to the SCRA at the present time.

Communications and Public Education

As part of the AFN's communications strategy to gain public support for required improvements to the specific claims resolution process, the AFN developed a pamphlet and other information for distribution during various events leading up to its Annual General Assembly in July. On May 30, 2007, the AFN attended a National Research Directors meeting in Gatineau, Quebec, to provide an update on AFN activities with respect to specific claims issues.

Anticipated Achievements by December 2007

- The AFN will continue to work with the CCC to secure reforms to the specific claims resolution process to address the unacceptable backlog of unresolved specific claims and the lack of independence that pervades the existing process.
- The AFN will continue to press the federal government to refrain from

proclaiming the SCRA into force until First Nations' concerns with the legislation are addressed.

- If the federal government proceeds with the unilateral development of a new specific claims policy or legislation, the AFN will work with the CCC to ensure that any new policy or legislation meets the minimum requirements developed by the Committee.

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