

## **RESOLUTION NO. 26**

**Annual General Assembly  
Resolution No. 26/2001  
July 17 - 19, 2001  
Halifax, N.S.**

**Subject:  
The Establishment Of The First Nations Specific Claims Commission And Tribunal**

Moved By:  
Dan Smith (Proxy), Komoks First Nation

Seconded By:  
Chief R. Donald Maracle, Mohawks Of The Bay Of Quinte

**Carried 1 Opposed.**

**WHEREAS** First Nations have repeatedly called for the establishment of an independent Claims Body to assist with the resolution of outstanding claims against the Crown arising out of breaches of its fiduciary obligations; and

**WHEREAS** independent observers and the Royal Commission on Aboriginal Peoples have all recommended an independent body be established to resolve outstanding grievances between the First Nations and the Crown; and

**WHEREAS** the Assembly of First Nations and Canada have engaged in discussion for the past 10 years on reforming the existing specific claims process; and

**WHEREAS** the Joint First Nations/Canada Task Force on Specific Claims Policy Reform issued its report in November of 1998, wherein a model for dispute resolution was proposed that incorporate a Commission to facilitate negotiations and a Tribunal to resolve claims where negotiations fail; and

**WHEREAS** Canada has proposed to establish such a body in cooperation with First Nations including the main elements and principles of the Joint Task Force model with certain limitations which the Chiefs Committee on claims is addressing with the federal government through technical discussions; and

**WHEREAS** those technical discussions continue to clarify how the First Nations Specific Claims Commission and Tribunal will meet the standards set by the Joint Task Force Report including an adequate budget, a clear understanding of the tribunals authority and how larger claims will be fairly addressed; and

**WHEREAS** the federal government is now indicating that substantial resources will be committed to this process and that future adjustments will be accommodated through a joint review with First Nations; and

**WHEREAS** First Nations want the concept of an independent mechanism for dispute resolution established and the proposed model would represent a significant step forward from the existing process by removing important aspects of the conflict of interest, as well as formally incorporating First Nations input in all future enhancements of the First Nations Specific Claims Commission and Tribunal; and

**THEREFORE BE IT RESOLVED THAT** the Chiefs in Assembly directs that the AFN Executive Committee and Chiefs Committee on claims continue to work with Canada in clarifying the technical details for the proposed federal legislation to establish the First Nations Specific Claims Commission and Tribunal; and, reporting back to the Chiefs by the early Fall of 2001;

**BE IT FURTHER RESOLVED** the Chiefs in Assembly direct the AFN to secure adequate resources so that the Bill itself can be reviewed and discussed by all First Nations before it is introduced to Parliament of Canada; and

**BE IT FINALLY RESOLVED THAT** the Assembly of First Nations direct the AFN Executive Committee and the Chiefs' Committee on Claims to secure a clear commitment from Canada that the development of the legislation, its implementation, the review process and future improvements fully involve First Nations.