
TITLE: Specific Claims Tribunal Act Timelines

SUBJECT: Specific Claims

MOVED BY: Chief Shining Turtle, Whitefish River First Nation, ON

SECONDED BY: Grand Chief Doug Kelly, Proxy, Kwaw-kwaw-Apilt First Nation, BC

DECISION: Carried by Consensus – 1 abstention

WHEREAS:

- A. The Chiefs-in-Assembly have learned that Aboriginal Affairs and Northern Development Canada (AANDC), formerly Indian and Northern Affairs Canada, is using the three-year negotiation timeframe in the *Specific Claims Tribunal Act (SCTA)*, to arbitrarily shut down specific claim negotiations in Canada, potentially affecting up to 65 negotiation tables across the country.
- B. It has been reported to the Chiefs-in-Assembly that Canada is taking a take-it-or-leave-it approach to specific claim settlement offers, regardless of when negotiations started and regardless of the progress of negotiations, telling First Nations to “go to the Tribunal if they don’t like it”.
- C. The timeframes in the SCTA for the assessment and negotiation of claims by Canada are intended to ensure Canada does not backlog claims, by giving First Nation claimants – not Canada – the right to take their claims to the Tribunal.
- D. The arbitrary decision by AANDC to cut-off specific claims negotiations will cause further hardship to claimants who have been waiting for years to negotiate their claims; it is in bad faith and not conducive to the settlement of claims and is inconsistent with the principles of the “Justice at Last” initiative, which was the basis for the SCTA.

Certified copy of a resolution adopted on the 13th day of July, 2011 in Moncton, New Brunswick

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Urge Canada to reverse its decision to arbitrarily cut-off negotiations using the timeframes provided for in the *Specific Claims Tribunal Act (SCTA)*.
2. Affirm that a decision to terminate negotiations ought to be based on the principles of good faith, respect and mutuality, rather than arbitrariness and unilateralism.
3. Call on Canada to stop the *de facto* rejection of specific claims through letters of partial acceptance and the requirement for sign-off on more issues than those identified by the partial acceptance.

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