



# **POLITICAL AGREEMENT BETWEEN THE MINISTER OF INDIAN AFFAIRS AND NORTHERN DEVELOPMENT AND THE NATIONAL CHIEF OF THE ASSEMBLY OF FIRST NATIONS IN RELATION TO SPECIFIC CLAIMS REFORM**

Whereas it is a legal and moral imperative of Canadians to address the Specific Land Claims of First Nations in a just and timely manner;

The Minister and the National Chief celebrate the fact that we have developed together a draft Bill to address Specific Land Claims in a fair and final manner;

In our deliberations a number of issues have arisen that are either outside the Specific Claims process or are, by definition, not addressed in the draft Bill developed by the Specific Claims Joint Task Force;

Therefore we believe it important to set out certain matters to be addressed as we continue to work in partnership in the further development of the Specific Claims process and other related issues.

## **Participation in Appointments to the Tribunal**

The National Chief will be engaged in the process for recommending members of the Tribunal in a manner which respects the confidentiality of that process.

## **Reacquisition of Land and Additions to Reserve**

While the Tribunal will, under the proposed Bill, only have jurisdiction to award monetary damages, the parties recognize the particular cultural, spiritual, social and economic significance to First Nations of the lands that have been lost. In situations where a First Nation seeks to re-acquire or replace lands that were the subject of a Specific Claim, the Minister will review with First Nations, policies and practices respecting additions to reserves with a view to ensuring that these policies and practices take into account the situation of bands to which the release provisions of the proposed Specific Claims Tribunal legislation apply. In particular, the Minister will provide priority to additions to reserve of lands affected by the consequences of the release provisions in the legislation or to lands required to replace them.

## **Treaty Process**

The parties are committed to working together on a joint approach to address other treaty issues not addressed in the draft Specific Claims Tribunal legislation or the Specific Claims Policy. This joint engagement will begin with the First Nations/Federal Crown conference on historic treaties in early 2008.

## **Future Work**

In an effort to continue to seek out improvements to the way in which Specific Claims are resolved, the Minister and the National Chief are committed to work together to inform ongoing policy work associated with Specific Claims and other related matters addressed in this statement as necessary, including:

- claims that are excluded by the monetary cap or other provisions of the legislation;
- assessing the processing of specific claims and making suggestions for improvements;
- discussing any proposed regulations made under the legislation;
- making a joint submission to the advisory committee of the Tribunal in respect of Tribunal rules;
- review access to funding, including federal funding for claimants at various stages of the process.

It is expected that the joint work will be carried out initially by the continuation of the Joint Task Force through to December 31, 2007, as set out in its Terms of Reference, and thereafter under the joint direction of the Minister and the National Chief in the form of a standing Specific Claims Liaison and Oversight Committee or similar body. Meetings will take place as necessary and at least twice per year in accordance with work plans to be jointly developed prior to December 31, 2007.

## **5-Year Review**

The Assembly of First Nations will participate in the 5-year review as set out in the Specific Claims Tribunal legislation.

## **Communications**

To the extent possible, the parties will work together to produce and communicate information/materials designed to explain the proposed legislation, best practices and other matters within its mandate.

## **Acknowledgement**

The parties acknowledge that this Agreement is not intended to affect their respective legal rights and obligations, but rather to reflect the mutual understanding and shared commitments of the parties.

Signed in Ottawa on November 27, 2007 By

National Chief Phil Fontaine  
Assembly of First Nations

The Honourable Chuck Strahl  
Minister of Indian Affairs and Northern Development  
Federal Interlocutor for Métis and Non-Status Indians