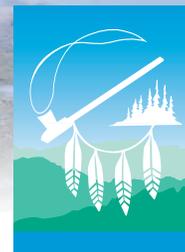


The Facts on Claims

Indian Claims
Commission

*Fairness in
claims negotiation*



THE FACTS: WHAT IS THE INDIAN CLAIMS COMMISSION?

The Indian Claims Commission is an independent body with authority to hold public inquiries into claims made by Indian bands or First Nations that have been rejected by the Government of Canada. The Commission also provides mediation, at any stage in negotiations, to help First Nations and the government settle claims. The Commission operates under the *Inquiries Act* and is funded by the federal government.

WHAT THE INDIAN CLAIMS COMMISSION DOES

The Commission provides First Nations and the government with an effective alternative to expensive and lengthy court cases.

The Commission only reviews specific claims. These arise when a First Nation asserts that the federal government has broken the law by breaching an agreement, a statute, or a treaty.

Following an inquiry, the Commission reports its findings and recommendations. If it recommends

that the federal government reconsider a claim for negotiation of a settlement, the Department of Indian and Northern Affairs Canada and the Department of Justice decide whether to accept the Commission's recommendation or to reject the claim again. If a First Nation does not agree with the Commission's recommendations or the government's response, it may decide to take the claim to court.

WHY THE INDIAN CLAIMS COMMISSION WAS ESTABLISHED

In 1973, the government announced its Specific Claims Policy; however, First Nations, lawyers, politicians and policy analysts found flaws within the policy. The federal government had become both defendant and judge, assessing whether claims against itself were valid. If a First Nation did not agree with the government's rejection of its claim, its only alternative was court. Many people involved with specific claims at this time called for an independent and impartial body to deal with the growing backlog of unsettled claims.

In 1990, a violent confrontation over a rejected claim at Oka raised public awareness of problems with the federal claims policy. That same year, the Assembly of First Nations and the Indian Commission of Ontario called on government to create an "independent and impartial body with authority to ensure [the] expeditious resolution of claims." In response, the federal government established the Indian Claims Commission in 1991.

The creation of the ICC gave First Nations with specific claims rejected by the federal government an alternative to the costly and time consuming court system.

COMMISSIONERS

There are five Commissioners appointed by the Governor-in-Council.

Chief Commissioner Renée Dupuis (Quebec)
Commissioner Daniel J. Bellegarde (Saskatchewan)
Commissioner Jane Dickson-Gilmore (Ontario)
Commissioner Alan C. Holman (Prince Edward Island)
Commissioner Sheila G. Purdy (Ontario)

MORE INFORMATION

Website: www.indianclaims.ca

Manon Garrett, Communications: (613) 943-2737

Stages in an Inquiry or Mediation

