

RESOLUTION NO. 50

**Special Chiefs Assembly
Resolution No. 50/2007
December 11, 12 & 13, 2007, Ottawa, ON**

**Subject:
Specific Claims Tribunal Act**

Moved By:
Perry Bellegarde, Proxy, Little Black Bear First Nation, SK

Seconded By:
Ken Malloway, Proxy, Leq'a:mel First Nation, BC

Decision:
110 in favour, 21 in opposition, 11 abstentions.

WHEREAS:

A. For many years, First Nations have been advocating for reform to the specific claims process to address the backlog of claims, the lack of independence, federal conflict of interest and delay under the current claims resolution process;

B. Building on the work over several decades, the Chiefs-in-Assembly passed Resolutions Nos. 8/2007 and 23/2007 at the 2007 AFN Annual General Assembly in Halifax, NS, mandating the AFN to engage the federal government in negotiations that would lead to a new and improved process to resolve specific claims;

C. Bill C-30, The *Specific Claims Tribunal Act* establishes an independent Tribunal to adjudicate claims that cannot be resolved through negotiations;

D. The companion to Bill C-30, the *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* ("Political Agreement"), was signed on November 27, 2007 to establish a process of on-going First Nations engagement relating to specific claims reform and treaty implementation;

E. The Political Agreement establishes a joint Oversight and Liaison Committee led by the National Chief and Minister of Indian Affairs to oversee the work identified in the Political Agreement which includes:

- a. development of a treaty implementation process;
- b. development of a process to address claims over \$150 Million;
- c. reform of the Additions to Reserve policy;
- d. selection of Tribunal members;
- e. development of Tribunal rules of process;
- f. five year legislative review; and
- g. processing and implementation issues, including funding to First Nations.

Therefore be it resolved that:

1. The Chiefs-in-Assembly encourage all First Nations to review Bill C-30 and forward their views to the Crown and to the Parliamentary Committee on Aboriginal Affairs;
2. First Nations with outstanding concerns with Bill C-30 or the Political Agreement reserve the right to recommend options to address their concerns through the Parliamentary Committee process;

3. The Chiefs-in-Assembly direct the AFN to assist in facilitating regions and First Nations to make presentations to the Parliamentary Committee as requested;
4. The Chiefs-in-Assembly call on the Government of Canada to continue to advance a system of specific claims resolution that is fair, effective and efficient;
5. The Chiefs-in-Assembly further call on the Government of Canada to ensure that sufficient resources are allocated for:
 - a. all aspects of the specific claims resolution process to ensure timely settlement of claims;
 - b. First Nations to be fully and meaningfully engaged in the work identified in the Political Agreement
6. The Chiefs-in-Assembly direct the National Chief to advocate strongly pursuant to the Political Agreement related to Specific Claims reform for the development of a process to address claims by First Nations that are considered "landless" and "unrecognized" by Indian and Northern Affairs Canada.