

RESOLUTION NO. 8

**Annual General Assembly
July 16, 17 & 18, 2002
Kahnawake, Quebec**

Mover:
Chief Arthur Manuel
Neskonlith Indian Band, BC

Seconder:
Chief Morris Shannacappo
Rolling River First Nation, MB

Decision:
Carried

**Subject:
Canada's Specific Claims Body – Bill C-60**

WHEREAS the Government of Canada's Specific Claims Policy is intended to resolve claims arising from breaches of the Crown's lawful obligations through negotiations; and

WHEREAS Canada's current Specific Claims policy and process is inefficient, ineffective and perpetuates the federal government's conflict of interest in resolving claims against itself; and

WHEREAS most parties have acknowledged that the current Specific Claims process requires substantive change; and

WHEREAS the Liberal Party of Canada, in its 1993 election campaign, committed a Liberal government to "create, in cooperation with Aboriginal peoples, an independent Claims Commission for both specific and comprehensive claims", whose mandate would "be jointly developed with Aboriginal peoples"; and

WHEREAS in 1998, after years of cooperative work, the Assembly of First Nations and the Department of Indian released the Joint Task Force Report, which provided a cooperative basis for a truly independent claims body dealing with specific claims; and

WHEREAS the Joint Task Force Report was adopted by the Assembly of First Nations; and

WHEREAS the Government of Canada refused to endorse the Joint Task Force Report, and sidelined the cooperative process of discussion and negotiation which led to its development and instead adopted a unilateral and arbitrary approach to the issue; and

WHEREAS on June 13, 2002, the Minister of Indian Affairs tabled Bill C-60, "The Specific Claims Resolution Act"; and

WHEREAS Bill C-60 has undergone a preliminary review by First Nation technicians and in its present form it:

- Does not remove the federal conflict of interest (but may actually entrench it in legislation);
- Does not make the process more fair (claims worth more than \$7 million cannot be dealt with by the proposed Tribunal);
- Does not make the process more efficient (no new resources are committed to address the backlog of existing claims);
- Does not make the process more transparent (it gives the Minister and the Department of Indian Affairs many opportunities throughout the proposed process to frustrate the work of the Commission and delay progress without providing justification); and

WHEREAS in its present form Bill C-60 differs significantly from many of the basic premises and proposals of the Joint Task Force Report, as well as the principles of fairness and justice long fought for by First Nations; and

WHEREAS Bill C-60 in its present form does not provide for an independent process empowered and adequately equipped to resolve outstanding land issues between First Nations and the Crown; and

WHEREAS if adopted in its present form, Bill C-60 may well create a claims process, which is worse than, what is currently in place.

THEREFORE BE IT RESOLVED the Chiefs in Assembly do not support Bill C-60 in its present form; and

BE IT FURTHER RESOLVED that the Chiefs Committee on Claims shall meet as early as is practical to receive a detailed analysis of the Bill and to develop a strategy to implement the required amendments to Bill C-60 and if it is not possible, take steps to oppose the Bill.