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Frequently Asked Questions

1. Q: What is the Specific Claims Tribunal?

- The Specific Claims Tribunal is an adjudicative body created to decide First Nations' specific claims.
- The Tribunal has all the powers, rights and privileges that are vested in a superior court of record and may determine questions of law or fact, and may receive and accept any evidence that it sees fit, including oral history.
- The Tribunal may be comprised of six to eighteen superior court judges, with no more than six full-time-equivalents being appointed at any one time. One of these members is appointed as the Chairperson for the Tribunal.

2. Q: What is a specific claim?

- Specific claims can include alleged breaches of treaties, fraud, illegal dispositions, or inadequate compensation, related to reserve lands.
- More particularly, specific claims are compensable claims related to:
 - A failure to fulfill a legal obligation of the Crown to provide lands or other assets under a treaty or another agreement between the First Nation and the Crown;
 - A breach of a legal obligation of the Crown under any legislation pertaining to Indians or lands reserved for Indians;
 - An illegal lease or disposition of reserve lands;
 - A breach of a legal obligation arising from the provision or non-provision of reserve lands;
 - The Crown's administration of reserve lands, Indian moneys or other First Nations' assets;
 - A failure to provide adequate compensation for reserve lands taken or damaged by the Crown or any of its agencies under legal authority; or
 - Fraud by employees or agents of the Crown in connection with the acquisition, leasing or disposition of reserve lands.

3. Q: Why do we need a special tribunal to settle these claims?

- An independent tribunal with the jurisdiction to make binding decisions provides transparency, fairness, and finality to specific claims.

4. Q: My First Nation has a specific claim. Can I immediately file with the Tribunal?

- A First Nation may file a claim with the Tribunal if the claim has been previously filed with the Minister of Indian Affairs and Northern Development (now Aboriginal Affairs and Northern Development Canada) and;
 - The Minister has notified the First Nation of the decision not to negotiate the claim;
 - Three years have elapsed after the day on which the claim was filed with the Minister without a decision to negotiate;
 - With the Minister's consent during the course of negotiating a claim; or
 - Three years have elapsed after the day on which the Minister has notified the First Nation in writing of the decision to negotiate the claim, in whole or in part, and the claim has not been resolved by a final settlement agreement.

5. Q: Does the Tribunal provide funding to First Nations Claimants?

- Funding may be available under a program administered by the Financial Management and Strategic Services Division of Aboriginal Affairs and Northern Development. See "[Funding](#)".

6. Q: How do I file a claim?

- The process for filing a claim with the Specific Claims Tribunal is established by the [Specific Claims Tribunal Rules of Practice and Procedure](#). See "[Filing a Claim](#)".
- A claim before the Tribunal is initiated by filing a [Declaration of Claim Form](#) .

7. Q: Can the Specific Claims Tribunal award land to First Nations?

- No. The Specific Claims Tribunal can make monetary awards up to \$150 million per claim.

8. Q: Are hearings open to the public?

- Subject to confidentiality or privilege orders, Tribunal hearings are open to the public and any material filed with the Tribunal is considered public. The Tribunal will provide written reasons for its decisions and shall publish them.

9. Q: Where will claims be heard?

- Tribunal hearings are held at the time and place across Canada that the presiding Tribunal Member considers most appropriate.

10. Q: Are decisions of the Tribunal final?

- The Tribunal's decisions are final and conclusive. While not subject to appeal, a decision of the Tribunal is subject to judicial review under the *Federal Courts Act*.

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